

भारत का राजपत्र

The Gazette of India

प्राधिकार एवं प्रकाशन
ISSUED BY AUTHORITY

सं० 30] तर्दे दिल्ली, शनिवार, जुलाई 23, 1966/श्रावण 1, 1888
No. 30] NEW DELHI, SATURDAY, JULY 23, 1966/SRAVANA 1, 1888

इस भाग में भिन्न पृष्ठ संख्या वी जाती हैं जिससे कि पह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

नोटिस

NOTICE

नीचे लिखे भारत के असाधारण राजपत्र 11 जुलाई 1966 तक प्रकाशित किये गये।

The undermentioned Gazettes of India Extraordinary were published upto the 11th July, 1966 :—

Issue No.	No. and Date	Issued by	Subject
210	S. O. 2004, dated 4th July, 1966.	Ministry of Commerce	Corrigenda to S.O. No. 1693, dated 6th June, 1966.
211	S. O. 2005, dated 5th July, 1966.	Election Commission, India.	Corrections in the Delimitation Commission's Order No. 9, dated 16th September, 1965 (Order No. 9-A)
212	S. O. 2079, dated 9th July, 1966.	Ministry of Information and Broadcasting.	Approval of the films as specified therein.
213	S. O. 2080, dated 11th July, 1966.	Central Board of Direct Taxes.	The Income-tax (Determination of Export Profits) Rules, 1966.

अपर लिखे असाधारण गजटों की प्रतियाँ प्रकाशन प्रबन्धक, सिविल लाइन्स, दिल्ली के नाम मांगपत्र भेजने पर भेज दी जाएंगी। मांगपत्र प्रबन्धक के पास इन राजपत्रों के जारी होने की तारीख से 10 दिन के भीतर पहुंच जाने चाहिए।

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

भाग II—खण्ड 3—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रशामंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों प्रीर (संघ सेक्रेटरी को छोड़कर) केन्द्रीय प्राधिकरणों द्वारा जारी किए गए आदेश और प्रधिसूचनाएं।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories)

ELECTION COMMISSION, INDIA

New Delhi, the 14th July 1966

S.O. 2156.—In exercise of the powers conferred by sub-section (1) of section 22 of the Representation of the People Act, 1951, the Election Commission hereby directs that the following amendment shall be made in its notification No. 434/NL/66, dated the 18th June, 1966:—

In item (b), after entry (v), the entry “(va) Additional Deputy Commissioner, Mon” shall be inserted.

[No. 434/66.]

CORRIGENDUM

New Delhi, the 11th July 1966

S.O. 2157.—In column 3 of the Table appended to the Commission's notification No. 434/OR/66(1) dated the 8th June 1966 published in the Gazette of India, Part II, Section 3(ii) dated the 15th June, 1966;

- (i) For “Parlakhemedi”, appearing against items Nos. 10 and 11, read “Parlakhemundi”.
- (ii) For “Koraupt” appearing against item No. 11 read “Koraput”.
- (iii) For “Sambalpuwa” appearing against item No. 20 read “Sambalpur”.

[No. 434/OR/66(1).]

By Order,
PRAKASH NARAIN, Secy.

MINISTRY OF HOME AFFAIRS

New Delhi, the 16th July 1966

S.O. 2158.—In exercise of the powers conferred under entry 3(c) of Schedule I annexed to the Ministry of Home Affairs Notification No. 15/13/59-(V)-P.IV dated the 13th July, 1962 (GSR 991, published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 28th July, 1962), the Central Government is pleased to specify Rajkumar Tejisingh D. Pawar, son of the Chief of Surgana, Nasik, for the purpose of that entry and directs that the exemption shall be valid in respect of one 12 bore gun, one rifle and one pistol/revolver.

[No. 16/10/66-P.IV.]

G. L. BAILUR, Under Secy.

गृह-मंत्रालय

नई दिल्ली, 16 जुलाई, 1966.

एस० ओ० 2159.—गृह-मंत्रालय की अधिसूचना संख्या 15/13/59—पी. 4. दिनांक 13 जुलाई, 1962 शास्त्रात्मक अधिनियम, 1962 के अन्तर्गत जारी किये गये सामान्य परिनियत नियम 991 के साथ लगी हुई पहली मूसी की प्रविष्टि 3(ग) द्वारा दिये गये अधिकारों का प्रयोग करते हुये, केवलीय सरकार सुरगना (महाराष्ट्र) राज्य के शासक के पुत्र राजकुमार तेज सिंह दी० पवार को उक्त प्रविष्टि के निये अधिसूचित करती है तथा निवेद देती है कि यह छूट एक . 12 बोर बन्धूक, एक राइफल और एक पिन्नील/रिकाल्वर के बारे में लागू होगी।

[संख्या 16/10/66-पी० IV.]

जी० एस० बैलूर, अवर सचिव।

MINISTRY OF FINANCE

(Department of Economic Affairs)

New Delhi, the 12th July 1966

S.O. 2160.—In exercise of the powers conferred by sub-section (2) of section 8 of the Provident Funds Act, 1925 (19 of 1925) the Central Government hereby directs that the provisions of the said Act shall apply to the Provident Fund established for the benefit of the employees of the State Bank of India constituted by the State Bank of India Act, 1955 (23 of 1955) with effect from the 1st July, 1955.

[No. F. 8/80/64-S.B.]

New Delhi, the 14th July 1966

S.O. 2161.—Statement of the Affairs of the Reserve Bank of India as on the 8th July, 1966

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital Paid up	5,00,00,000	Notes	8,76,39,000
		Rupee Coin	4,83,000
Reserve Fund	80,00,00,000	Small Coin	3,80,000
National Agricultural Credit (Long Term Operations) Fund	115,00,00,000	Bills Purchased and Discounted :—	
		(a) Internal	..
		(b) External	..
		(c) Government Treasury Bills	96,07,48,000
National Agricultural Credit (Stabilisation) Fund	16,00,00,000	Balances Held Abroad*	9,23,60,000
National Industrial Credit (Long Term Operations) Fund	20,00,00,000	Investments** Loans and Advances to :—	437,78,64,000
		(i) Central Government	..
		(ii) State Governments@	27,44,30,000

Deposits:—

(a) Government:—

(i) Central Government

(ii) State Governments

(b) Banks:—

(i) Scheduled Banks

(ii) State Co-operative Banks . . .

(iii) Other Banks

(c) Others

Bills Payable

Other Liabilities

Rupees . .

Loans and Advances to:—

(i) Scheduled Banks†	20,62,00,000
(ii) State Co-operative Banks††	14,19,56,000
(iii) Others	2,05,65,000

57,70,37,000 Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund—

11,77,44,000

(a) Loans and Advances to:—

(i) State Governments	29,40,74,000
(ii) State Co-operative Banks . . .	14,70,59,000
(iii) Central Land Mortgage Banks .	

(b) Investment in Central Land Mortgage Bank Debentures 5,83,77,000

Loans and Advances from National Agricultural Credit (Stabilisation) Fund—

122,09,03,000

13,02,08,000

3,88,000

Loans and Advances to State Co-operative Banks 4,68,31,000
Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund—

333,00,30,000

(a) Loans and Advances to the Development Bank 3,84,17,000

37,21,19,000

(b) Investment in bonds/debentures issued by the Development Bank

47,82,62,000

Other Assets 53,94,08,000

Rupees . .

Rupees . . 858,66,91,000

*Includes Cash and Short-term Securities.

**Excluding investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@ Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. Nil advanced to scheduled banks against usance bills under section 17(4)(c) of the R. B. I. Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 13th day of July 1966.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 8th day of July 1966

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Gold Coin and Bullion ↗					
Notes held in the Banking Department			(a) Held in India	115,89,35,000	
Notes in circulation	8,76,39,000		(b) Held outside India	
Total Notes issued	2901,18,80,000	29,09,95,19,000	Foreign Securities	201,42,01,000	
			TOTAL	317,31,26,000	
			Rupee Coin	82,72,34,000	
			Government of India Rupee Securities	2509,91,59,000	
			Internal Bills of Exchange and other commercial paper	
TOTAL LIABILITIES	2909,95,19,000		TOTAL ASSETS	2909,95,19,000	

P. C. BHATTACHARYYA,
Governor.

[No. F. 3(3)-BC/66.]

V. SWAMINATHAN, Under Secy.

CORRIGENDUM

"In the Statement of the Affairs of the Reserve Bank of India, Banking Department as on the 17th June 1966 published on pages 1873-1874 of the Gazette of India dated 2nd July 1966, Part II Section 3 (ii) on liabilities side for the figure 51,26,57,000 indicated against, item 'Deposites—(a) Government—(i) Central Government' read 51,56,57,000 and for the figure 947,82,64,000 appearing against total liabilities read 947,84,64,000".

CENTRAL BOARD OF DIRECT TAXES**INCOME-TAX***New Delhi, the 13th July 1966*

S.O. 2162.—In exercise of the powers conferred by sub-section (1) of section 123 of the Income-tax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf, the Central Board of Direct Taxes hereby makes the following further amendment in the Schedule appended to its Notification No. 16-Income-tax, dated the 14th January, 1966, namely:—

In the said Schedule against Jodhpur Range, Jodhpur, under column 2, after S. No. 6 the following shall be added:—

7. Nagour Circle.

[No. 69 (F. No. 50/8/66-ITJ.)]

T. N. PANDEY, Under Secy.

INCOME-TAX*New Delhi, the 14th July 1966*

S.O. 2163.—In exercise of the powers conferred by section 126 of the Income-tax Act 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following addition to the Schedule annexed to its Notification No. 1 (F. No. 55/233/63-IT) dated the 18th May, 1964:—

After Serial No. 22 in the said Schedule, the following item shall be added:

1	2	3	4	5	6
23.	All Government servants under the Audit Control of the Accountant General, Madras working in the Offices situated within the districts of Madurai and Ramanathapuram the State of Madras.	7th Income-tax Officer, Commissioner of Income-tax who has been appointed to perform the functions of an Inspecting Assistant Commissioner of Income-tax who has been invested with the powers to hear appeals against the decision of the 7th Income-tax Officer, Madurai.	Inspecting Assistant Commissioner of Income-tax who has been invested with the powers to hear appeals against the decision of the 7th Income-tax Officer, Madurai.	Appellate Assistant Commissioner of Income-tax who has been invested with the powers to hear appeals against the decision of the 7th Income-tax Officer, Madurai.	Commissioner of Income-tax Madras-I, Madras.

This Notification shall take effect from the 29th July, 1966

[No. 8 (F. No. 55/55/64-IT.)]

G. M. KULKARNI, Under Secy.

**OFFICE OF THE COLLECTOR OF CENTRAL EXCISE,
MADHYA PRADESH AND VIDARBHA**

Nagpur, the 8th July 1966

S.O. 2164.—In exercise of the powers vested in me under Rules 15 and 16 of the Central Excise Rules, 1944, I hereby notify that the following further amendment shall be made in the Notification No. 13/1960(C.Ex.) dated the 7th June, 1960, as amended by the Notification No. 19 of 1960 (C. Ex.) dated the 14th October, 1960

The jurisdiction of Revenue District specified in column 2 at S. No. 35 may be read as 'Ratlam District', in place of "Ratlam, Sailana and Jaora Tahsils of Ratlam District."

[No. 4/1966.]

VIPIN MANEKLAI.
Collector.

MINISTRY OF COMMERCE

New Delhi, the 15th July 1966

S.O. 2165.—In exercise of the powers conferred under Section 7 of the Central Silk Board Act, 1948 (61 of 1948), the Central Government hereby appoints Shri S. R. Ullal, Secretary, Central Silk Board in a substantive capacity with effect from the 1st August, 1964.

[No. 22(6)/68-Tex(G).]

N. S. VAIDYANATHAN, Under Secy.

CARDAMOM CONTROL

New Delhi, the 12th July 1966

S.O. 2166.—In exercise of the powers conferred by sub-section (3) of section 1 of the Cardamom Act, 1965 (42 of 1965), the Central Government hereby appoints the 12th day of July, 1966, as the date on which Chapter III of the Act shall come into force.

[F. 29(35)Plant(B)/65.]

B. KRISHNAMURTHY, Under Secy.

NOTIFIED ORDER

New Delhi, the 11th July 1966

S.O. 2167.—In exercise of the powers conferred by section 18A of the Industries (Development & Regulation) Act 1951 (65 of 1951), and in partial modification of the Notified Order, of the Government of India in the Ministry of Commerce S.O. No. 1824 dated the 18th June 1966, the Central Government hereby authorises Shri Sheo Narayan Sahay to take over the management of the Katihar Jute Mills, Katihar with effect from the date he takes over from Shri R. N. Sinha.

[No. 9(90)-Tex(D)/64.]

A. G. V. SUBRAHMANIAN, Under Secy.

MINISTRY OF MINES & METALS

New Delhi, the 11th July 1966

S.O. 2168.—WHEREAS by the notification of the Government of India in the late Ministry of Steel and Mines (Department of Mines & Metals) S.O. No. 2838 dated the 12th August, 1964 under sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition & Development) Act, 1957 (20 of 1957), the Central Government gave notice of its intention to prospect for coal in lands measuring 500.00 acres (approximately) or 202.50 Hectares (approximately) in the locality specified in the Schedule appended to that notification and reproduced in the Schedule appended hereto;

And whereas in respect of the said lands no notice under sub-section (1) of section 7 of the said Act has been given;

Now, therefore, in exercise of the powers conferred by the said sub-section (1) of Section 7, the Central Govt. hereby specifies a further period of one year commencing from the 12th August, 1966 as the period within which the Central Government may give notice of its intention to acquire the whole or any part of the said lands or of any rights in or over such lands.

SCHEDULE
HANDIDHUA BLOCK
(Talcher COALFIELD)

Drg. No. Rev/26/64

Dated 4-3-1964

(showing lands notified
for prospecting).

S.I. No.	Village	Thana	Thana District No. & State Area	Remarks
1	Hensamula	Talcher	Dhenkanal (Orissa)	Part
2	Ambamunda	"	"	"
3	Nakulabaspur	"	"	"
4	Langijoda	"	"	"
5	Debalyapur	"	"	"
6	Dera	"	"	"

Total Area : 500.00 Acres (Approx)
OR 202.50 Hectares (Approx)

Boundary Description

- A-B-C Lines pass through villages Hensamula, Dera and Langijoda (which is also part common boundary with lease-hold area of Talcher Colliery) and meet at point 'C'.
 C-D Line passes through villages Langijoda and Debalyapur and meets at point 'D'.
 D-A Line passes along the part common boundary of villages Debalyapur and Balungakumar and through villages Langijoda, Nakulabaspur, Ambamunda and Hesamula and meets at Point 'A'.

[No. C2-21 1/64.]

ERRATUM

New Delhi, the 13th July 1966

S.O. 2169.—In the notification of the Government of India in the Ministry of Mines and Metals S.O. No. 1770 dated the 4th June, 1966, published in part II, section 3, sub-section (ii) of the Gazette of India dated the 11th June, 1966 at pages 1694 to 1697,

- (i) at page—1695;
 (i) In line 16, for "(2)" read "(3)".
- (ii) In line 33, in the Tabular statement for "serial number" read "serial number."
- (iii) In line 34, in the Tabular statement, under the heading 'Police Station' for "Coliery" read "Colliery".
- (ii) at page—1696;
 (i) In line 38, for "oundery" read "Boundary".
 (ii) In line 40, for "Makaipasi" read "Nakaipasi".
- (iii) at page—1697;
 In line 28, for "meet at point 'M'" read "meet at point 'N'".

[No. C2-21(3)/63.]

RAM SAHAY, Under Secy.

New Delhi, the 13th July 1966

S.O. 2170.—In exercise of the powers conferred by section 13 of the Mines and Minerals (Regulation and Development) Act, 1957 (67 of 1957), the Central

Government hereby makes the following rules further to amend the Mineral Concession Rules, 1960, namely:—

1. These rules may be called the Mineral Concession (Second Amendment) Rules, 1966.

2. In the Mineral Concession Rules, 1960, for the second proviso to sub-rule (2) of rule 37, the following proviso shall be substituted, namely:—

“Provided further that where the mortgagee is the Industrial Finance Corporation of India or the State Trading Corporation of India or the Industrial Credit and Investment Corporation of India or a State Finance Corporation or a Scheduled Bank as defined in clause (e) of section 2 of the Reserve Bank of India Act, 1934 (2 of 1934), it shall not be necessary for any such Corporation or Bank to hold a certificate of approval and an income-tax clearance certificate”.

[No. MII-1(57)/63.]

H. S. SAHNI, Under Secy.

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND COOPERATION

(Department of Agriculture)

CORRIGENDUM

New Delhi, the 17th July 1966

S.O. 2171.—In the schedule of Tariff Values for 1966-67 notified as S.O. 1842 dated the 16th June, 1966:—

- (i) Under S. No. 15, in column 2, for the words “Goat skins (excluding kids skins)” substitute words “Goat skins (excluding kid skins)” deleting “s” from “kids”.
- (ii) Under S. No. 16, in column 2, for the words “Ginger dry” substitute the words “Ginger, dry” inserting comma after the word “Ginger”.
- (iii) Under S. No. 17, in column 2, for “AT (General)” and “S(1-4)” substitute “AT (General),” and “S (1-4),” respectively, inserting comma after them.
- (iv) Under S. No. 17 relating to “Tobacco, unmanufactured—” in column 2, under item Class IV Grades, after letters “DDB”, and before the letters “FS2” insert “FS”.
- (v) Under S. No. 20, in column 2, for “Wheat, Flour” and “Wheat, atta” substitute “Wheat Flour—” and “Wheat atta”.

[No. 4-1/66-ECON.PY.]

A. C. JAIN, Under Secy.

MINISTRY OF HEALTH AND FAMILY PLANNING

New Delhi, the 15th July 1966

S.O. 2172.—The following draft of rules further to amend the Drugs and Cosmetics Rules, 1945, which the Central Government proposes to make, after consultation with the Drugs Technical Advisory Board, in exercise of the powers conferred by sections 12 and 33 of the Drugs and Cosmetics Act, 1940 (23 of 1940) is published, as required by the said sections, for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 30th September, 1966.

2. Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government:—

DRAFT RULES

1. **Short title.**—These rules may be called the Drugs and Cosmetics (Amendment) Rules, 1966.

2. In the Drugs and Cosmetics Rules, 1945, in rule 71, in sub-rule (1), after the first proviso, the following proviso shall be added, namely:—

“Provided further that the Central Government may in the matter of manufacturing of non-chemical contraceptives, surgical dressings, Plaster of Paris, liquid paraffin and medicinal gases permit the employment of persons with qualifications and experience other than those specified in this sub-rule”.

[No. F. 1-16/66-D.]

AMAR NATH VARMA, Under Secy.

MINISTRY OF TRANSPORT & AVIATION

(Department of Transport, Shipping and Tourism)

(Transport Wing)

New Delhi, the 12th July 1966

S.O. 2173.—In exercise of the power conferred by sub-section (2) of section 5 of the Charitable Endowments Act, 1890 (6 of 1890), the Central Government, on application and with the concurrence of the members of the Merchant Seamen's Amenities Fund Committee, hereby makes the following modification, with effect from the date of publication of this notification, to the Scheme for the administration of the Merchant Seamen's Amenities Fund, published with the notification of the Government of India in the late Ministry of Transport and Communications, Department of Transport (Transport Wing), No. 6-MT(14)/57, dated the 13th September, 1957, namely:—

In the said Schedule, in the Second Schedule, after paragraph 15, the following paragraph shall be added, namely:—

“16. The General Committee may decide to dissolve the Fund by a resolution supported by not less than three-fourths of the members of the Committee and thereupon the Fund shall be dissolved. On such dissolution all monies and other property vested in the Fund shall, after the satisfaction of all debts and liabilities of the Fund, be transferred to the Seafarers Welfare Fund Society, Bombay, which is a Society registered under the Societies Registration Act, 1860 (21 of 1860) and has objects similar to those of the Fund.”

[No. 14-MT(1)/66.]

D. S. NIM, Dy. Secy.

परिवहन तथा विमान मंत्रालय

(परिवहन, नीचहन तथा पर्यटन विभाग)

(परिवहन पक्ष)

नई दिल्ली, 28 जून, 1966

एम्स श्रो० 2174.—भारतीय व्यापार पोत (नाविक रोजगार कार्यालय कलकत्ता) नियम 1954 के नियम 5 द्वारा प्रदत्त अधिकारों के प्रयोग में केन्द्रीय सरकार एवं द्वारा कलकत्ता के पत्तन में नाविक रोजगार मण्डल (विदेश जाने वाले) में जो परिवहन मंत्रालय (परिवहन पक्ष) में भारत सरकार की अधिसूचना संख्या 15-एम०टी० (2)/64—दिनांक 10 मई, 1965 को स्थापित हुआ था जहाज मालिकों का प्रतिनिधित्व करने के लिये

कैप्टेन एम० एन० यूरे के, जिन्होंने स्थागपत्र दे दिया है, स्थान पर श्री पी० आई० डी० बरती को सदस्य नियुक्त करती है और उक्त अधिसूचना में निम्न संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में मद (6) के विरीत प्रविलिट में कैप्टेन एम० एन० यूरे के शब्दों और अभ्यर्गों के स्थान पर श्री पी० आई० डी० बरती के शब्द और अक्षर प्रतिस्थापित होंगे।

[संलग्न 15-एम०टी० (2)/64.]

डी० एम० निमि, उप निविव।

DEPARTMENT OF COMMUNICATIONS

(P. & T. Board)

New Delhi, the 8th July 1966

S.O. 2175.—In pursuance of Para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951 as introduced by S.O. No. 627 dated 8th March, 1960, the Director General Posts and Telegraphs, hereby specifies the 16th July, 1966 as the date on which the Measured rate system will be introduced in PANJAMBUR Telephone Exchange.

[No. 5-35/66-PHB.]

D. R. BAHL,
Asstt. Director General (PHB).

संचार विभाग

(डाक-तार बोर्ड)

नई दिल्ली, 8 जुलाई, 1966

एस० ओ० 2176.—प्रथमी आदेश अमसंख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किये गए 1951 के भारतीय तार नियमों के नियम 434 के छाड़ III के पैरा (क) के अनुसार डाक-तार महानिदेशक ने पतमधूर टेलीफोन केन्द्र में 10-7-66 से प्रमापित दर प्रणाली लागू करने का निष्ठय किया है।

[न० 5/35/66-टी-एच-बी.]

डी० आर० बहन,

महायक महानिदेशक (पी०एच०बी०)

MINISTRY OF WORKS, HOUSING AND URBAN DEVELOPMENT

New Delhi, the 6th July 1966

S.O. 2177.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the President hereby makes the following rules, namely:—

1. **Short title.**—These rules may be called the Ministry of Works, Housing & Urban Development (Despatch Rider) Recruitment Rules 1966.

2. **Application.**—These rules shall apply to the post specified in column 2 of the Schedule annexed hereto.

3. Number, classification and scale of pay.—The number of the post the classification and the scale of pay attached thereto shall be as specified in columns 3 to 5 of the said Schedule.

4. Age, qualifications, probation, method of recruitment, etc.—The age limit, qualifications, period of probation, method of recruitment and other matters relating to the post shall be as specified in columns 6 to 13 of the Schedule:

Provided that the upper age limit specified in column 10 of the said Schedule may be relaxed in the case of candidates belonging to the Scheduled Castes, the Scheduled Tribes and other special categories of persons in accordance with the orders of the Central Government issued from time to time.

5. Disqualifications—(1) No person, who has more than one wife living or, who, having a spouse living, marries in any case in which such marriage is void by reason of its taking place during the lifetime of such spouse, shall be eligible for appointment to the said post; and

(2) No woman, whose marriage is void by reason of the husband having a wife living at the time of such marriage, or who has married a person who has a wife living at the time of such marriage, shall be eligible for appointment to the said post;

Provided that the Central Government may, if satisfied that there are special grounds for so ordering, exempt any person from the operation of this rule.

THE SCHEDULE

SL No.	Name of the post	No. of posts	Its classi- fication: Gazetted or Non-gazet- ted and whether Ministerial or non- ministerial	Scale of pay	Procedure for filling posts by			For direct recruitment			For promotion/ transfer	
					Direct recruitment	Promotion		Transfer	Age limits	Educational and other qualifications if any required	Period of Probation, if any	Whether age and other edu- cational qualifica- tions pres- cribed for direct recruit- ment will apply in case of appointment by transfer
						By Selection (fitness)	Seniority <i>cum</i> fitness					
1	2	3	4	5	6	7	8	9	10	11	12	13
I	Despatch Rider	Perman- ent—I Temporary—I.	Class-III non-Gazet- ted and Non-Mi- nisterial.	Rs. 100-3 -130.	By direct recruitment	Not appli- cable	Not appli- cable	Not appli- cable	18-25 years.	Essential : 1. Should have pro- fessional skill in driving and knowledge of motor- cycle me- chanics. 2. Should have a licence for driving. 3. Should	Two years	Not appli- cable.

have ~~W~~ at
least 4 years
experience
in driving.

4. Should
possess general
smartness.

Desirable:

Should have
passed Mid-
dle School
Standard.

[No. 27/3/66-Adm.I.]

S. L. VASUDEVA, Under Secy.

MINISTRY OF LABOUR, EMPLOYMENT & REHABILITATION

(Department of Labour and Employment)

New Delhi, the 12th July 1966

S.O. 2178.—In exercise of the powers conferred by sub-section (1) of section 5 of the Mines Act, 1952 (35 of 1952), the Central Government hereby appoints Shri Shree Parkash Sinha, Assistant Welfare Inspector, Mica Mines Labour Welfare Fund, Bihar to be an Inspector of Mines subordinate to the Chief Inspector of Mines.

[No. 5(9)66-M.III.]

श्रम, रोजगार और पुनर्वास मंत्रालय

(श्रम और रोजगार विभाग)

नई दिल्ली, 12 जुलाई 1966

S.O. 2179.—खान अधिनियम, 1952 (1952 का 35) की धारा 5 की उपवारा (I) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद द्वाग्रा श्री श्रीप्रकाश सिंहा, सहायक कल्याण निरक्षक, अध्रक खान अभिक कल्याण निधि, बिहार को मुख्य खान निरीक्षक के अधीन, खान निरीक्षक नियुक्त करती है।

[सं. 5(9) 66-एम-3]

अमृत लाल हांडा,

अवर सचिव, भारत सरकार

ORDERS

New Delhi, the 12th July 1966

S.O. 2180.—Whereas a vacancy has occurred in the office of the Presiding Officer of the Industrial Tribunal with headquarters at Indore (constituted by the Order of the Government of India in the Ministry of Labour and Employment No. S.O. 2766 dated the 24th August, 1965) on account of the transfer of the Presiding Officer thereof;

Now, therefore, in pursuance of the provisions of section 8 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby appoints Shri Tara Chand Shrivastava as the Presiding Officer of the said Industrial Tribunal.

[No. F. 51(23)/65-LRIV.]

S.O. 2181.—Whereas an industrial dispute between the Hercules Insurance Company Limited and its workmen was referred for adjudication to the Industrial Tribunal Bombay and its award was published in the Gazette of India, Part II Section 8, sub-section (ii), dated the 17th July, 1965 published with S.O. No. 2070 dated the 6th July, 1965;

And, whereas in the opinion of the Central Government difficulties have arisen as to the interpretation of the said award in respect of the question specified in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by section 36A of the Industrial Disputes Act, (14 of 1947), the Central Government hereby refers the said question for decision to the Industrial Tribunal Bombay constituted under section 7A of the said Act.

SCHEDULE

Whether having regard to the directions given in paras 35 and 37 of the Award of the Industrial Tribunal, Bombay, in reference No. 9 of 1965, published with the Government of India, in the Ministry of Labour and Employment S.O. No. 2070

dated the 6th July, 1965, the drivers and subordinate staff employed in Hercules Insurance Company Limited are entitled to adjustment of D.A. for every rise or fall of one point in the All India Consumer Price Index (Working Class) at the rate of 1 per cent as in the case of clerical staff and, if not, at what rate?

[No. 74(8)/66-LRIV.]

S.O. 2182.—Whereas the employers in relation to the Bombay Port Trust, Bombay and their workmen represented by the Bombay Port Trust Employees' Union, Bombay have jointly applied to the Central Government for reference of an industrial dispute that exists between them in respect of the matter set forth in the said application and reproduced in the Schedule hereto annexed, to a Tribunal;

And, whereas the Central Government is satisfied that the Bombay Port Trust Employees' Union represents a majority of the workmen;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay constituted under section 7A of the said Act.

SCHEDULE

Whether the painting of the sides above the water line of the D.S.D. 'Vikram', while lightened and anchored in stream, is a part of the normal duties of its crews? If not, to what relief are they entitled and from what date?

[No. 28/97/66-LRIV.]

New Delhi, the 18th July 1966

S.O. 2183.—Whereas the employers in relation to M/s. Karamchand Thapar and Brothers (Coal Sales) Ltd., Madras and their workman represented by Madras Port and Dock Workers Congress, Madras have jointly applied to the Central Government in the manner required by sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947) for the reference to a Tribunal of an industrial dispute that exists between them, in respect of the matter set forth in the said application and reproduced in the Schedule hereto annexed;

And, whereas the Central Government is satisfied that the Madras Port and Dock Workers Congress represents a majority of workers of the establishment as its members;

Now, therefore, in exercise of the powers conferred by section 7A and sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri O. V. Balaswami shall be the Presiding Officer, with headquarters at Madras and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

Whether the termination of the services of Sri S. R. Munirathnam, Dump Clerk, with effect from the 1st March, 1966 by the management of M/s. Karamchand Thapar and Brothers (Coal Sales) Ltd., Madras-1 was justified and if not, to what relief is he entitled.

[No. 28/64/66-LRIV.]

S.O. 2184.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to M/s Shree Krishna Motor Launch Service, Bombay, and their workmen in respect of matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

SCHEDULE

Whether the action of M/s Shree Krishna Motor Launch Service, Bombay, in dismissing Sarvashri (1) Umer Suleman Sirgavkar, (2) G. R.

D'Souza, (3) C. V. Vaidya, (4) Elbrahim Dawood Waghe, (5) Usman Ahmed Tavalskar, and (6) Ali Usman Dange, from service is justified? If not, to what relief are these workmen entitled?

[No. 28/49/66-LRIV.]

S.O. 2185.—Whereas the employers in relation to the Bombay Port Trust, Bombay and their workmen represented by the Bombay Port Trust Employees' Union, Bombay have jointly applied to the Central Government or reference of an industrial dispute that exists between them in respect of the matter set forth in the said application and reproduced in the Schedule hereto annexed,

And, whereas the Central Government is satisfied that the Bombay Port Trust Employees' Union represents a majority of the workmen:

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay constituted under section 7-A of the said Act.

SCHEDULE

Whether 'B' scale Timekeepers of the Engineering Department are entitled to claim that (i) their scale of pay of Rs. 55—5—100—EB—5—130 be revised to Rs. 60—5—100—EB—5—130 with effect from 1st August, 1956 and that (ii) if so, upon such revision, the 'B' Scale Timekeepers who were in service on 31st July 1956 be granted an *ad hoc* increase in pay of Rs. 5 with effect from the 1st August, 1956 on the analogy of the decisions contained in the Trustee's Resolution Nos 513 of 1958 and 820 of 1963.

[No. 28/86/66-LRIV.]

S.O. 2186.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Punjab National Bank Limited, and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Delhi constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Punjab National Bank Limited is justified in treating Shri Shiv Pal Singh, Godown Keeper as a temporary employee and ultimately stopping him from work with effect from the 21st April, 1965, if not, to what relief is the aforesaid workman entitled?

[No. F.51(1)/66-LRIV.]

A. L. HANNA, Under Secy.

(Department of Labour and Employment)

New Delhi, the 12th July 1966

S.O. 2187.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952) and in supersession of the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 90 dated the 24th December, 1963, the Central Government hereby appoints Shri T. V. Suryanarayanan to be an Inspector for the whole of

the Union territory of Pondicherry for the purposes of the said Act and of any Scheme framed thereunder, in relation to any establishment belonging to, or under the control of the Central Government or in relation to any establishment connected with a railway company, a major port, a mine or an oil-field or a controlled industry, vice Shri T. S. Lakshminarayanan.

[No. 20(72)64-PF.I.]

S.O. 2188.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints Shri R. Parthasarathy to be an Inspector for the whole of the State of Madras for the purposes of the said Act and of any Scheme framed thereunder, in relation to any establishment belonging to, or under the control of the Central Government or in relation to any establishment connected with a railway company, a major port, a mine or an oil-field or a controlled industry.

[No. 20(72)64-PF.I/II.]

New Delhi, the 16th July 1966

S.O. 2189.—In exercise of the powers conferred by section 87 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts the Government Opium and Alkaloid Worker Ghazipur from all the provisions of the said Act, except Chapter VA for a further period upto and including the 9th April, 1967.

[No. F. 6/44/65-HI.]

S.O. 2190.—Whereas immediately before the Employees' Provident Funds Act, 1952 (19 of 1952), became applicable with effect from the 30th April, 1962, to the establishment known as Messrs. Kapurchand and Company, Roxy Chambers, New Queen's Road, Bombay-4, there was in existence a provident fund common to the employees employed in that establishment and the employees in the establishments mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by section 3 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby directs that the provisions of that Act shall also apply to the establishments mentioned in the aforesaid Schedule.

SCHEDULE

1. Kapurchand Pvt. Ltd. Roxy Chambers, New Queen's Road, Bombay-4.
2. Bengal Properties Pvt. Ltd., Roxy Chambers, New Queen's Road, Bombay-4.
3. B. K. Kapurchand Pvt. Ltd., Roxy Chambers, New Queen's Road, Bombay-4.
4. Kapurchand & Bros., Roxy Chambers, New Queen's Road, Bombay-4.
5. Mehta Trading Co., Roxy Chambers, New Queen's Road, Bombay-4.
6. Manikant Pvt. Ltd., 15, Mathew Road, Bombay-4.

[No. 8(8)/65-PF.II.]

S.O. 2191.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishments mentioned in the Schedule annexed hereto have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishments;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishments.

This notification shall be deemed to have come into force on the 1st day of January, 1966.

SCHEDULE

1. Messrs Shivaji Power Printers, Guntur-1.

2. Messrs Khaitan Mineral Development Corporation (P) Limited, Cheepurapalli, Srikakulam District.

[No. 8/3/66-PF.II.]

S.O. 2192.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishments mentioned in the Schedule annexed hereto have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishments:

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishments.

This notification shall be deemed to have come into force on the 1st day of June, 1965.

SCHEDULE

1. Messrs Puvvada Rice & Ground Nut Oil Mills, Kothagraharam, Vizianagram, Vizag District.

2. Messrs Imperial Oil Refinery, Kothagraharam, Vizianagram, Vizag District.

[No. F.8/3/66-PF-II(i).]

S.O. 2193.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs The Taj Industries, Main Road, Vizianagaram, have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 1st day of May 1966.

[No. 8/3/66-PF.II(ii).]

S.O. 2194.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. Navabharat Spun Pipes Company, Tadepalli post, Guntur District have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 1st day of March, 1966.

[No. 8/3/66-PF.II(iii).]

S.O. 2195.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as M/s Northern India Chemical Distributors Limited, 2nd Floor, Gopi Nath Building, Khari Baoli, Delhi have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 1st day of October, 1965.

[No. 8/6/66/PF.II.]

DALJIT SINGH, Under Secy.

(Department of Labour and Employment)

New Delhi, the 13th July 1966

S.O. 2196.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Khas Badjna Colliery, Post Office Nirshachatti of Messrs Central India Coalfield Limited and their workmen which was received by the Central Government on the 11th July, 1966.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

In the matter of a Reference under Section 10(1)(d) of The Industrial Disputes Act, 1947.

REFERENCE NO. 13 OF 1964

PARTIES:

Employers in relation to the Khas Badjna Colliery, P.O. Nirshachatti, Dist. Dhanbad.

Vs.

Their Workmen.

PRESENT:

Shri Raj Kishore Prasad.—*Presiding Officer.*

APPEARANCES:

For the Employers.—Sarvashri S. S. Mukherjee, Advocate and B. P. Sharma, Welfare Officer.

For the Workmen.—Shri S. Bose, Secretary, Colliery Mazdoor Sangh.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, dated the 9th June, 1966.

AWARD

By its Order No. 2/62/63-LRII dated 24th January, 1964, the Government of India, Ministry of Labour and Employment, referred for adjudication to this Tribunal under Section 10(1)(d) of The Industrial Disputes Act, 1947, an industrial dispute existing between the employers in relation to the Khas Badjna Colliery, P.O. Nirshachatti, Distt. Dhanbad, and, their workmen in respect of the matters specified in the Schedule annexed to the order of reference, which is reproduced below:

SCHEDULE

(1) Whether the stoppage of work of Shri Bijai Singh, Picking Mazdoor of Khas Badjna Colliery, with effect from 11th February, 1963, was brought about by the worker himself or by the management?

(2) If it was by the management, whether it was justified?

(3) If it was not justified, to what relief is the workmen entitled?"

2. The management filed its written statement on 10th March, 1964, in which its case was that the concerned workman, Shri Bijai Singh, was employed as a temporary Picking Mazdoor in the Colliery on 12th August, 1962, and he worked till 9th February, 1963, when he left the Colliery of his own accord without information or authorised leave; that the stoppage of work by the concerned workman with effect from 11th February, 1963, as 10th February, 1963, was a Sunday, was brought about by the workman himself for which the employers are not at all responsible; that the management is not at all aware that the workman was a member of the Colliery Mazdoor Sangh, which is not the recognised union of the management; that the workman left his service in this Colliery of his own accord for securing a better job elsewhere or for his personal work elsewhere, but it is difficult for the management to say what was the real cause of his leaving the service; that the allegations made by the union in its letter dated 25th March, 1963, Ext. M, addressed to the Conciliation Officer that the management dismissed the workman because of being a member of the union and that on his refusal to sever connection with the union his name was taken out from the General Muster Roll of the workmen and he was paid by voucher for some weeks are absolutely baseless; that, therefore, the workman was not entitled to any relief.

3. On 24th March, 1963, the union also filed a written statement on behalf of the concerned workman. Its case was that the Colliery Mazdoor Sangh was a registered trade union and was the largest Trade Union of Coal Mine Workers in the whole of India and the workers of Khas Badjna Colliery, of which the concerned workman is an employee, are also members of this union; that the workman was employed in the permanent cadre as a Picking Mazdoor with a good record of service; that as there was no effective trade union in Khas Badjna Colliery to look after the interest of the workers they decided to enrol as members of the Colliery Mazdoor Sangh which was very effectively functioning in the adjoining colliery and was a strong Trade Union of the Coal Mines Workers and, therefore, they enrolled themselves as members; that the concerned workman took a very active part in enrolling members, after enrolling himself as a member, which very much annoyed the management; that the management finding the concerned workman taking an active part in organising the trade union scratched out his name from the regular paysheet and with effect from 11th February, 1963, put his name on vouchers; that the concerned workman approached the management several times after his illegal stoppage of work for allowing him to resume his duties as a regular worker but it was refused; that thereafter the union took up the matter with the Conciliation Officer in respect of the concerned workman as well as in respect of another workman, namely, Shri Bhau Roy, who was also stopped from work by the management; that during the conciliation proceedings the management agreed to take back in employment Shri Bhau Roy in his service but refused to take back the concerned workman; that therefore, the action of the management in stopping work to the concerned workman with effect from 11th February, 1963, was *mala fide*, unjust and an act of victimisation for the trade union activities of the workman.

4. Sarvashri S. S. Mukherjee, Advocate and B. P. Sharma, Welfare Officer of the Colliery, MW 2, represented the management; and Shri Shankar Bose, Secretary, Colliery Mazdoor Sangh, represented the concerned workman.

Both the parties filed documents which, with mutual consent, were taken in evidence and marked Exhibits. Documents filed by the management were marked Exts M to M 5 and those filed by the Union were marked Exts W to W 2

Both the parties examined witnesses in support of their respective cases. The management examined two witnesses, namely, MW 1, Shri R. N. Mishra, Loading Supervisor of the Colliery, and, MW 2, Shri B. P. Sharma, Welfare Officer of the Colliery. The union examined the concerned workman, Shri Bijai Singh as WW 1.

5. The admitted material facts, with dates and documents and their exhibit numbers, are these:—

12th August, 1962.—The concerned workman, Shri Bijai Singh, was employed as Picking Mazdoor, Category I. His name is mentioned under Sl. No. 143 in Form 'B' Register of Employees, Ext. M 2.

9th February, 1963.—The concerned workman admittedly worked till this date, as will also appear from Form 'E' Register of persons employed above ground during the week commencing from 3rd February, 1963, and ending on 9th February, 1963, Ext. M. 3, wherein under Sl. No. 12 the name of the concerned workman, who is noted under Sl. No. 143 of the Form 'B' Register, Ext. M 2 is mentioned and he is marked present till 9th February, 1963.

11th February, 1963.—Admittedly the workman was stopped work from 11th February, 1963. The only dispute is whether this stoppage of work with effect from 11th February, 1963, was brought about the workman himself or by the management.

25th March, 1963.—The General Secretary of the union sent a letter to the Conciliation Officer (C), Dhanbad, Ext. M, regarding enforced idleness of Sarvashri Bhau Roy, with whom we are not concerned, and, Bijai Singh of this Colliery.

23rd April 1963.—The Manager of the Colliery sent the comments of the management, Ext. M 1, to the Conciliation Officer regarding the alleged enforced idleness of S/Shri Bhau Roy and Bijai Singh.

30th April, 1963.—The Conciliation Officer sent a report of conciliation Ext. W 2 to the Chief Labour Commissioner, in which he mentioned in para 7 that the management agreed to take back Shri Bhau Roy and regretted its inability to take back the concerned workman Shri Bijai Singh.

30th August, 1963.—The Union Secretary sent a letter Ext. W to the Conciliation Officer enclosing the grievances of the workers of Khas Badjna Colliery Ext. W 1 in which in para 2 the case of the concerned workman Shri Bijai Singh is also dealt with.

23rd October, 1963.—The Conciliation Officer submitted his Failure of Conciliation Report Ext. W 3 to the Chief Labour Commissioner in which he mentioned the case of the union and the case of the management in respect of the concerned workman as also in respect of the other persons with whom we are not concerned.

24th January, 1964.—The present reference was made by the Central Government at the instance of Collicry Mazdoor Sangh.

1st February, 1964.—Reference was received by the Tribunal from the Central Government.

6. The sole question for determination is, whether the concerned workman, Shri Bijai Singh, left his service of his own accord or he was stopped work by the management.

7. The first contention of Shri Mukherjee, appearing on behalf of the management, was that in Ext. M, the letter sent by the General Secretary of the Union to the Conciliation Officer on 25th March, 1963, the date of idleness mentioned therein is 21st March, 1963, but in the order of reference the date mentioned is 11th February, 1963, and, therefore, there is discrepancy between the two. Shri Shankar Bose, however, on behalf of the workman pointed out that the date 21st March, 1963, mentioned in Ext. M is a typographical mistake and it was corrected subsequently as will appear from the *Failure Report* of the Conciliation Officer dated 23rd October, 1963, Ext. W 3. Even according to both the parties the admitted stoppage of work is from 11th February, 1963, because the workman according to both the parties was on duty on 9th February, 1963, and 10th February, 1963 being Sunday. On 11th February, 1963, the workman was not seen in the Colliery. There is, therefore, no doubt that 21st March, 1963, is a typographical 'mistake' in Ext. M and the correct date of idleness and the stoppage of work is 11th February, 1963, and as such the date of his stoppage of work mentioned in the reference is correct.

Issue No 1:

8. Shri Mukherjee, on the question as to whether the stoppage of work was by the management or the workman himself left services, placed reliance on Form 'B' Register Ext. M 2; Form 'E' Register Ext. M 3 and Register of Wages from 5th January, 1963, to 31st March, 1963, Ext. M 4 which shows that the workman after a week came to lift his wages and received his wages on 15th February, 1963. The workman WW 1 has admitted in his evidence that he came after one week and received payment for working till 9th February, 1963. In my opinion, neither Ext. M 3 nor Ext. M 4 are very helpful for deciding the real question at issue; when admittedly the workman worked till 9th February, 1963, as shown in Ext. M 3 and he came to receive his wages on 15th February, 1963 as shown in Ext. M 4. Ext. M. 2, Form B Register, however, is important, because under Column 7, which is meant to enter "Particulars of Transfer another Set or Relay", the word "left" is mentioned against the name of the concerned workman, who is entered under serial No. 143. I may at once observe that the mention of the word 'left' under Column No. 7 appears to be inappropriate, because Column No. 7 was meant to enter particulars of transfer on another set or relay, as are mentioned, for instance, in case of Sl. No. 142, just above the name of the concerned workman, who is Sl. No. 143, or, in respect of Sl. No. 118, Sl. Nos. 104, 130 and 146. The person who wrote the word 'left' under Column 7 has not been examined, and, MW 1, the Loading Supervisor of the Colliery, does not say that he did it nor does MW 2 say so. If the person, who write the word 'Left' in Column 7 would have been examined he could have been cross examined to elicit information as to why he noted the word 'left' under Column 7, which really was not meant for noting such things, but it was meant really for noting transfer on another set or relay as noted against Sl. Nos. 104, 118, 130, 142 and 146. The mention of the word 'left', therefore, under Column 7 in Form 'B' Register of employees Ext. M 2 appears to me to be very suspicious and I cannot take this entry as reliable evidence to prove that the workman left his service in this colliery of his own accord.

9. Shri Mukherjee then relied on the entry of the date 11th February, 1963, under Column No. 11 in Form 'B' Register, Ext. M 2, in order to show that the concerned workman left his service on and from 11th February, 1963. There is

no dispute, as it is admitted by both parties, that the workman is not working in this colliery from 11th February, 1963. The mention of the date 11th February, 1963 under Column No. 11 is not material. But Shri Mukherjee relied on this entry to show that the workmen left service from 11th February, 1963, reading entry under Column No. 7 along with that of Column No. 11. But, in my opinion, the entry under Column 11 in Ext. M 2 does not prove the contention of Shri Mukherjee. Column 11 is for mentioning "Date of termination or leaving of employment", and, therefore, the mention of 11th February, 1963, against Si. No. 143 of the concerned workman under Column No. 11 cannot mean, as contended, that the workmen left his service of his own accord on and from 11th February, 1963, when Column 11 deals with both "Date of termination or leaving of employment". The date 11th February, 1963, under Column No. 11 may as well mean date of termination of employment by the management. It appears that as under Column No. 11 the word 'termination' or leaving of employment was indicated the word 'left', as an after-thought, was noted under Column No. 7, without realising that Column No. 7 was not meant for such an entry. Let us take a concrete case. Against Serial No. 141—Madan Mahato—under Column No. 11 the date 25th January, 1963, is given, but it is not indicated either under Column 7 or Column 11 whether he left or his service was terminated. It may, therefore, mean either. Similar is the case with Serial No. 160—Karan Singh—where nothing is mentioned under Column 7 but under Column 11 the date 8th December, 1962, is noted, which also may mean either. Other such cases are Serial Nos. 127, 141, 164, 166. One peculiar case is of Serial No. 183—Shachidanand Bhar, whose entry is important for this case. The word 'left' is mentioned not under Column 7 or Column 11 wherein only the date 4th June, 1963, is mentioned but on the top of Serial No. 183 itself. Why so? If—column No. 7 was the proper place, as mentioned by the management, for mentioning 'left', as in the case of the concerned workman. In my opinion, therefore, the entry "11th February, 1963, under Column 11 is not a convincing evidence to support the contention of the management, when it can prove both "termination or leaving of employment, as the word 'termination' has not been scored out from Column 11".

10. Shri Mukherjee then relied on the oral evidence of his two witnesses, MW 1 and MW 2. MW 1 stated that the workman did not come after 10th February, 1963; i.e., from 11th February, 1963, and further that it was not a fact that the management stopped the workman from work. MW 2 stated that the concerned workman was working at another colliery, namely, Badjna Colliery for the last two and a half years, as a Tyndal, but he admitted, in his cross examination, that he had no papers in support of his above case. The workman WW 1 admitted that at Badjna Colliery he has worked as a Tyndal and also done other work, whichever is available to him, through contractor, but he said that it was not correct that he was working at Badjna Colliery since about 2 or 3 years. It was for the management to prove this part of its case but it failed to do so, as frankly admitted by its witness, MW 2, he had no paper to prove his above case.

11. It was for the management to prove that the stoppage of work of the concerned workman with effect from 11th February, 1963, was brought about by the workman himself, but, in my opinion, on the evidence discussed above and adduced before me, I confess, I am not satisfied that the management has been able to prove to the satisfaction of the Tribunal that the workman himself brought about his own stoppage of work by leaving his service and that it was not the management which stopped him from work.

12. There is another circumstances which, in my opinion, support strongly the case of the union as put forward by Shri Bose. Admittedly in his Colliery, namely, Khas Badjna Colliery the concerned workman was working as Picking Mazdoor in Cat. I. It was admitted by the management that Cat. I is the Lowest Category and naturally, therefore, wages also were the lowest. If the case of the management that the concerned workman was working in another colliery, namely, Badjna Colliery as Tyndal in Category IV or V be correct, then the position, as admitted by the management, is that Category IV or V being higher categories higher wages will be paid to the workman, but by his working as Picking Mazdoor in Category I in this colliery he will be getting less wages. If, therefore, the case of the management that the workman was working as Tyndal in Badjna Colliery in Category IV or V be correct then he was getting higher wages, according to the Coal Award, and, therefore, it does not stand to reason or common sense that even on getting higher wages, he would try to come back to his old colliery and asked for his reinstatement in his previous job of Picking Mazdoor in category I and thereby get less wages. No one would possibly imagine that a workman would leave a post, leave service in a colliery where he is getting higher wages, and would try his best to go to his previous colliery, what for?, not for getting same wages or more wages than what he is getting

in the new colliery, but for getting less wages and thereby depriving himself of higher wages. The enxiety of the workman to be reinstated to get his previous job is a clear indication of the fact that he did not leave his service in this colliery, as alleged by the management, but he was stopped from work by the management, as alleged by the union, and that at present he is not employed permanently.

13. Shri Mukherjee then placed strong reliance on Ext. M 5 which is a letter written by the union on 5th November, 1965 to the Conciliation Officer complaining against Badjna Colliery where it is alleged by the management that the workman at present is working for not making the concerned workman permanent. Ext. M 5 does not mention the name of this workman at all. Moreover, in that dispute Karamohand Thappar were the Employers. Even Ext. M 6 which is a list of grievances placed by the Union, the name of this workman is not mentioned. Ext. M 5 and M 6, whichever called for from R.L.C's office, therefore, are of no assistance to the management, apart from the objection of Shri Bose to these two documents being taken in evidence after the conclusion of arguments. Even assuming that Ext. M 5 and M 6 impliedly refer to this workman also, which is not a fact, they do not at all negative the case of the union. They only show that as the workman was between the Devil and the Deep Sea he, like a drowning man, was trying to catch a straw, wherever he found it. Finding that he had been stopped from work by the management of this colliery and finding further that he got off and on the work of a Tyndal and other work also from the contractor in the new Colliery, he was trying his best to see that in this new Colliery even he may be permanently employed as Tyndal so that he may get higher wages of Category IV or V. This is quite natural for a person whose source of living is not permanent, but precarious. This attitude of the workman or the union does not, in my opinion, in any way cut across the case of the Union or prove that its case is false and that the case of the management is true.

14. For the reasons given above, on a consideration of the entire evidence, oral and documentary, adduced by both the parties, I have no hesitation in holding that the stoppage of workman was brought about by the management, and not by the workman himself.

Issue No. 2:

15. The next question is, if, on my above finding, the stoppage of work of the concerned workman was brought about by the management, whether it was justified. The obvious answer to this question is in the negative. It has been asserted in the written statement by the union that the workman took a very active part in enrolling workers as members of Colliery Mazdoor Sangh which was not recognised by the management, and after enrolling himself as its member, finding that the workman was taking an active part in organising the Trade Union the management previously paid him on pay sheet but later started making payment Pay Sheet and with effect from 11th February, 1963, put his name on vouchers, but the workman refused to be treated like this and that is the reason why the management before the Conciliation Officer, as will appear from Ext. W 2, agreed to take Shri Bhatu Roy in service because he was a docile man and refused to take back the concerned workman WW 1, obviously because he was taking an active part in enrolling members of the union. According to the Union, the management previously paid him on pay sheet but later started making payment to him through vouchers and when the workman wanted to protest against payments on vouchers he was told that he had no work in the colliery, because he was working for his Union and, thereafter, the union took up his case. These allegations of the union in the written statement filed on behalf of the workman, have not been denied *in toto* by any of the two witnesses MW 1 and MW 2, examined on behalf of the management. MW 1 in his cross examination, stated that he knew that trade unions are functioning in the colliery but he did not know if the concerned workman is recruiting members of the union. MW 1 further stated that it was not a fact that the management was annoyed with the concerned workman for his above act. The specific allegations made in paras 2 and 4 to 8 have not been denied Categorically and in entirety by MW 1 or by any other evidence on behalf of the management. The management in para 1 of its written statement said that the workmen of its colliery were members of Nirsha Thana Coalfield and Workshop Workers' Union, which was working as the representative of the spokesman of the union and which was also recognised by the management. The management further admitted in para 1 that the present dispute was raised not by the said union, which had been recognised by the management, but by a new Trade Union, known as Colliery Mazdoor Sangh. Para 1 of the written statement of the management, therefore, impliedly admits that the present union is a new union and not recognised by the management, because the management

has its own recognised union from before. For these reasons, there is, in my opinion, clear evidence in the shape of the statement of the concerned workman WW 1 and the other facts mentioned above, which go to show that the workman was not liked by the management and was punished by being stopped from work due to his trade union activities. When questions were put to MW 1 in his cross examination regarding Bhatu Rai, who was taken back in service at the conciliation stage, as stated earlier, he said that he had heard that there was a workman, named, Bhatu Rai who is mentioned in *Ext. W 2 and Ext. M 1*. But MW 1 said that he had heard the name of Daba Goral. MW 1 pretended not to know if "near about the date when Bijai Singh left work or was stopped from work there were two or three cases of similar type regarding other workmen". The case of the union, therefore, that the management became displeased and annoyed with the workman, because of his trade union activities and, therefore, stopped him from work is amply supported and appears to be a fact. I, therefore, hold that the stoppage of work of the workman Shri Bijai Singh by the management was unjustified.

16. I, therefore, hold that the stoppage of work of Shri Bijai Singh, Picking Mazdoor of Khas Badjna Colliery with effect from 11th February, 1963, was brought about by the management, and not by the workman himself, or, in other words, that the management stopped the workman from work and the workman did not himself leave his service and further that the stoppage of work of the workman by the management was unjustified.

Issue No. 3:

17. The next question is if the stoppage of work of the concerned workman was unjustified, is he entitled to any relief? I think his stoppage of work by the management being unjustified it is set aside and the workman, Shri Bijai Singh, is reinstated to his previous job of Picking Mazdoor of the Colliery with full back wages with effect from 11th February, 1963, till the date of his reinstatement with continuity of service and all other monetary benefits.

18. This is the award which I make and submit to the Central Government under Section 15 of the Act.

Sd./- RAJ KISHORE PRASAD,
Presiding Officer.

[No. 2/62/63-LRII.]

S.O. 2197.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the management of Khas Joyrampur Colliery of Messrs Khas Joyrampur Colliery Company Private Limited, Post Office Khas Jeenagora District Dhanbad and their workmen, which was received by the Central Government on the 11th July, 1966.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

In the matter of a reference under Section 10(1)(d) of The Industrial Disputes Act, 1947.

REFERENCE NO. 18 OF 1964

PARTIES:

Employers in relation to Khas Joyrampur Colliery of M/s. Khas Joyrampur, Colliery Company Private Limited, Post Office—Khan Jeenagera, District Dhanbad.

Vs.

Their Workmen.

PRESENT:

Shri Raj Kishore Prasad.—*Presiding Officer.*

APPEARANCES:

For the Management.—Sarvashri S. S. Mukherjee, Advocate and V. G. Rawal, Manager.

For the Workmen.—1. Shri Hitnarayan Singh, Vice-President Koyla Mazdoor Panchayat, on behalf of Shri Kailash Nath Srivastava, No. 1.

2. Shri Shanker Bose, Secretary, Colliery Mazdoor Sangh, on behalf of Shri Rajendra Pathak—No. 2.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, dated the 13th June, 1966

AWARD

By its order No. 2/14/64-LR.II dated 3rd February, 1964, the Government of India, Ministry of Labour and Employment, referred under Section 10(1)(d) of The Industrial Disputes Act, 1947 for adjudication to this Tribunal, an industrial dispute existing between the employers in relation to the management of Khas Joyrampur Colliery of Messrs Khas Joyrampur Colliery Company (Private) Ltd., P.O. Khas Jeenagora, District Dhanbad and their workmen in respect of the matters specified in the Schedule annexed to the order of reference, which is reproduced below:

SCHEDULE

1. "Whether the dismissal from service of Sri Kailash Nath Srivastava, Store Keeper, of Khas Joyrampur Colliery with effect from 23rd October 1963 was justified? If not, to what relief is the workman entitled?"
2. Whether the dismissal from service of Shri Rajendra Pathak, Assistant Store Keeper, of Khas Joyrampur Colliery with effect from 23rd October, 1963, was justified? If not, to what relief is the workman entitled?"
2. On behalf of Shri K. N. Srivastava, concerned workman No. 1, Store Keeper of Khas Joyrampur Colliery, the General Secretary, Koila Mazdoor Panchayat filed a written statement on 16th March, 1964, and he was represented at the hearing by Shri H. N. Singh, Vice-President of the Union. His case in his written statement was that he was old employee of the company with 25 years' service without any blemish and for the last several years he had been working in the store section of the company and was doing his work consciously and carefully; that the Manager of the colliery by a letter dated 17th September, 1963, Ext. M—Ext. W called upon him to explain the loss of 17 Bearings, which according to the Manager, were in the custody of this workman; that he replied to the Manager's letter on 1st October, 1963 Ext. M 1—Ext. W 1 stating that the Bearings were lost in course of a theft, which took place on 24th August, 1963; that the Manager was not satisfied with his explanation and, therefore, subsequently served chargesheet Ext. M 3—Ext. W 2 on him on 8th October, 1963, charging him under para 18(1) of the Standing Orders "for the removal of these Bearings, either by yourself or in connivance with others"; that the workman replied to the chargesheet on 11th October, 1963, Ext. M 4—Ext. W. 3 denying the charge and reiterating his earlier statement that the bearings were removed in course of the theft which took place on 24th August, 1963, and which was duly reported to the Police by the Manager himself; that enquiry was held on 16th October, 1963, into this chargesheet and thereafter the enquiry report Ext. M 9 was submitted by the Enquiry Officer on 19th October, 1963, and then the service of the workmen was terminated by Ext. M 10 with effect from 23rd October, 1963; that the workman made a written representation to the Agent on 30th October, 1963, Ext. W 5 requesting him to reconsider the matter but to no effect; that the workman then represented the matter on 31st October, 1963, to the union Ext. W 6 requesting to espouse his cause and thereafter the union took up his case and at the instance of the said union the matter was referred to the Tribunal for adjudication. The workman, in para 20, clauses (a) to (1) mentioned several facts, which he considered to be material for consideration of his case. The workman, therefore, prayed that his termination of service may be set aside and he may be reinstated with effect from 23rd August, 1963, with full back wages.
3. On behalf of Shri Rajendra Pathak, the concerned workman No. 2, Assistant Store Keeper of the Colliery, the General Secretary of the Colliery Mazdoor Sangh filed a written statement on 27th March, 1964, in which the union denied the allegation of the management and the charge against him. The case of this workman was that he was the Asstt. Store Keeper since his appointment in the company more than 13 years ago and throughout his record was meritorious, and, his honesty and integrity were never doubted; that the company have no material evidence against him at the departmental enquiry and in fact there was no evidence at all and the said enquiry was perfunctory and clearly in violation of the principles of natural justice and, therefore, it was invalid and the finding of the Enquiry Officer was perverse, both in facts and in law, in holding the workmen guilty of the charge under para 18(a) of the Standing Orders. The workman in Para 8, clauses (a) to (g), mentioned the material facts of the case, in order to show his innocence and, therefore, prayed that his dismissal may be set aside and he may be reinstated with effect from 23rd October, 1963, with full back wages.

4. On behalf of the management also a written statement was filed on 2nd April, 1964, in which it was stated that there were five rooms where the store materials were stocked and the keys were kept with these two workmen who were working as Store Keeper and Asstt. Store Keeper and were answerable to the missing or shortage of store materials kept in their charge; that a burglary was committed on the night of 24th August, 1963, when locks of the three rooms were broken and some of the articles stored in those rooms were removed but the coal cutting machine spare parts together with its bearings were kept in the adjacent room and the lock of that room was found intact next morning i.e., on 25th August, 1963; that on 26th August, 1963, the coal cutting machine spare parts, including the bearings kept in the outside store room, were asked to be removed to the main Store room for safety and then it was detected that some of the bearings were missing; that then by a letter dated 17th September, 1963, Ext. M1Ext. W-Ext. W-I these two workmen were asked to submit their statements explaining the missing of the 17 bearings kept in their charge to which they gave identical replies.—Exts. M 1, M 2-Ext. W 1, W-I (1) that the bearings had been stolen by the theft committed in the night of 24th August, 1963; that a formal chargesheet dated 8th October, 1963 Ext. M 3-Ext. W 2 and Ext. W-I (2) charging the workmen for removal of those bearings, either by themselves or in connivance with others, as they were kept in the room whose lock was found intact, were issued, to which they gave identical replies Ext. M 4, M 5-Ext. W 3, W-I(3) denying the charges; that a departmental enquiry was held on 18th October, 1963, in presence of the two workmen and at the said enquiry their misconduct was satisfactorily established and the Enquiry Officer submitted his report Ext. M 9 on 19th October, 1963, finding both of them guilty of the charge, and therefore, they were dismissed by a letter dated 23rd October, 1963, Ext. M 10-Ext. W 4 and Ext. W-I (4); that information, however, was lodged with the police for the theft committed on the night of 24th August, 1963, in which the police filed a final report as no clue of the stolen articles could be found by them; that, therefore, there was no violation of the principle of natural justice nor the finding was perverse and as such, the dismissals of the workmen were justified.

5. At the hearing Sarvashri S. S. Mukherjee, Advocate, and V. G. Rawal, Manager of the colliery, appeared for the management and Shri H. N. Singh, Vice-President, Koyla Mazdoor Panchayat, appeared for Shri K. N. Srivastava, Workmen No. 1 and Shri Shanker Bose, Secretary, Colliery Mazdoor Sangh, appeared for Shri Rajendra Pathak, Workmen No. 2 concerned in the reference.

6. All the three parties filed documents, which, with mutual consent, were taken in evidence and marked exhibits. Documents filed by the management were marked Exts. M to M 11; those filed by the Koyla Mazdoor Panchayat on behalf of Shri K. N. Srivastava, were marked Exts. W to W 11, and, those filed by Colliery Mazdoor Sangh, on behalf of Shri Rajendra Pathak, were marked Exts. W I to W I (4).

On behalf of the workmen, the two concerned workmen were examined as witnesses in support of their respective cases. Shri K. N. Srivastava was examined as WW 1 and Shri Rajendra Pathak was examined as WW 2 and they were cross examined by the management. The management, however, did not examine any witness nor even the Manager of the Colliery Shri V. G. Rawal, who was present, and who figured prominently in the prosecution of these two concerned workmen, probably because he was examined before the Enquiry Officer and his statement recorded on 16th October, 1963, is Ext. M 8.

7. The material facts, which may be useful to know, at one place, "c" determination of the points at issue, may be stated in their chronological order, with their dates and exhibit numbers, as below:

24th August, 1963.—Locks of three rooms, out of 5 rooms, were broken as a result of burglary committed in the night of 24th August, 1963, and locks of two rooms were intact as will appear from Ext. M 11, the written information lodged by Shri V. G. Rawal, Manager of the Colliery with the Police on 28th August, 1963.

25th August, 1963.—Shri V. G. Rawal, Manager, in the morning of 25th August, 1963; i.e., in the morning following the night, in which the burglary took place, found that the lock of the room in which bearings were kept was intact, as stated by him in his notice Ext. M issued on 17th September, 1963, to both the concerned workmen.

25th August, 1963.—25th August, 1963, was a Sunday, and, therefore, Shri K. N. Srivastava, concerned workmen No. 1, was not on duty, as will appear from Ext. W 11, his statement at the domestic enquiry on 16th October, 1963. This

statement is also to be found in Ext. M 6 and Ext. M 6(a) about which a mention will be made later.

26th August, 1963.—Shri K. N. Srivastava, the concerned workman No. 1, according to his statement at the domestic enquiry Ext. W 11, did not come to office on 26th August, 1963, as he was sick on that day and, therefore, he stated that he did not know anything about the lock being found in tact.

26th August, 1963.—Shri V. G. Rawal, Manager in his letter dated 17th September, 1963, sent to Shri K. N. Srivastava and Shri Rajendra Pathak Ext. M stated that "On 26th August, 1963, when the spares of cutting machine were shifted from the outside store room to the main store it was noticed that 17 bearings of the following specifications were missing:—and, thereafter, the specifications are given. Later on, he says the lock of the outside store room in which the coal cutting machine spares were stored was in tact on the morning of 25th August, 1963, when it was inspected by me".

28th August, 1963.—Shri V. G. Rawal, Manager, sent a written information Ext. W 11 to the Jorapokkar Police Station at 8 P.M. against Unknown persons regarding theft in the night by breaking lock, as will appear from the First Information Report Ext. W 9 dated 28th August, 1963.

17th September, 1963.—During the pendency of the police investigation the Manager, Shri V. G. Rawal issued a notice on 17th September, 1963, Ext. M-Ext. W and W-I to both the concerned workmen asking them to explain why disciplinary action should not be taken against them for the missing of the 17 Bearings from the outside store room.

21st September, 1963.—The police submitted a final report Ext. W 10 under Sec., 173 Cr. P.C. stating inter-alia that "The complainant suspected nobody", and, further, that: "The store-yard is fenced all round by 10 ft. high wall to the store room of the P.O. is situated within the compound scaling mark was found and the outside of the wall and inside also".

27th September, 1963.—The complainant was informed by the S.I. of the result of the investigation: "Case true under Section 457/380 I.P.C. No clue."

1st October, 1963.—Shri K. N. Srivastava submitted his reply to the show cause notice Ext. M-Ext. W on 1st October, 1963, which is Ext. 1-Ext. W, 1:

1st October, 1963.—On this very date, Shri Rajendra Pathak also sent his reply to the show cause notice issued by the Manager Ext. M = Ext. W-I which is a joint notice to both and his reply is Ext. M 2—Ext. W-I(1).

3rd October, 1963.—The final report Ext. W 10 was received by the S.D.O. Dhanbad and he ordered "The case is true under Sec. 457/380 I.P.C. No clue. Enter Such in G.R." Ordersheet Ext. W 8.

8th October, 1963.—A joint chargesheet Ext. M 3=Ext. W 2 & W-I(2) was issued both to Shri K. N. Srivastava and Shri Rajendra Pathak, by Shri V. G. Rawal, Manager, stating the facts as stated earlier, charging each of them under para 18(1) of the Standing Orders for the removal of these Seventeen bearings, either by themselves or in connivance with others.

11th October, 1963.—In reply, to the above chargesheet, Ext. M 3, Shri K. N. Srivastava submitted his explanation Ext. M 4-Ext. W 3 and Shri Rajendra Pathak also submitted his explanation, Ext. M 5-Ext. W-I(3).

16th October, 1963.—Enquiry was held by Shri S. C. Gaur, Labour Welfare Officer of the Colliery: At the said enquiry, the statements of Shri K. N. Srivastava Ext. M 6; Shri Rajendra Pathak Ext. M 7 and Shri V. G. Rawal Ext. M 8 were recorded.

19th October, 1963.—The enquiry officer then submitted his enquiry report Ext. M 9 holding that the misconduct mentioned in the charge has been established against each of the two concerned workmen and, therefore, he recommended strong disciplinary action against them.

23rd October, 1963.—The Agent issued a letter to the two workmen Ext. M 10-Ext. W. 4 (K.N.S.) and Ext. W-I(4) (R.P.) terminating their service with immediate effect.

30th October, 1963.—Shri K. N. Srivastava submitted a representation Ext. W 5 to the Agent for reconsideration of his dismissal and for being allowed to join his duties and to pay his wages with retrospective effect.

31st October, 1963.—Shri K. N. Srivastava wrote a letter *Ext. W 6* to the Secretary, Koyna Mazdoor Panchayat, for taking up his case with the Conciliation Officer mentioning therein the facts of the case.

11th November, 1963.—Shri Mahesh Desai, General Secretary, Koyna Mazdoor Panchayat, then sent a letter *Ext. W 7* to the R.L.C.(C), Dhanbad, with a copy to the Manager of the Colliery, regarding the dismissal of Shri K. N. Srivastava, requesting him to intervene in the matter and to secure his reinstatement from the date of his dismissal as the efforts of the union had failed.

8. On the foregoing facts, Shri Shanker Bose, Secretary, Colliery Mazdoor Sangh, appearing on behalf of Shri Rajendra Pathak, contended that the enquiry was vitiated for two valid reasons, namely, (1) because, as will appear from para 2 of the enquiry report *Ext. M 9*, before examining the complainant, Shri V. G. Rawal, Manager, the Enquiry Officer, at the very commencement of the domestic enquiry, examined the two concerned workmen and cross examined them in detail, in order to fish out and take admissions from them, and, thereafter, the complainant Shri V. G. Rawal was examined, although from the arrangement of the papers filed by the management it has been made to appear as if at first Shri K. N. Srivastava was examined and cross examined and then Shri V. G. Rawal was examined and thereafter Shri Rajendra Pathak was examined and cross examined, but it is not a fact as is established by the enquiry report *Ext. M 9* itself. In support of his contention Shri Bose relied on two decisions of the Supreme Court in *Meenglas Tea Estate and Its workmen*, 1963 (2) LLJ 392 and in *Associated Cement Companies Ltd., and Their workmen and another*, 1963 (2) LLJ 396, and;

(ii) that the original statement of Shri K. N. Srivastava, a true copy of which was supplied to the union and which has been filed by the Union and marked *Ext. W 11*, shows that the first question put to Shri K. N. Srivastava was "When the bearings were kept in that room in which the theft took place, it was your charge to all the things? Is it not?" This shows, it was argued, that it was admitted by the management that the theft of the bearings took place from the room in which the Burglary has been committed and, therefore, the story that the bearings were in the room in which the lock was in tact was an after-thought and false. This contention of the union it was contended, was further supported by the fact that before the Police the complainant Shri Rawal never suspected that these two concerned men were the persons who stole or might have stolen the bearings because in the final report *Ext. W 10* it is definitely mentioned that "The complainant suspected nobody". It was further contended that the theft took place in the night of 24th August 1963 but the first information report was lodged on 28th August 1963, after four or five days, on the plea, as will appear from the F.I.R. *Ext. W 9*, that the complainant Shri Rawal tried to contact the police officer on the 27th morning and again on 28th morning to report the theft but he could not get anybody on the phone. It was argued that it was nothing but an excuse and a belated story to explain away the abnormal delay, which gave an opportunity to the complainant to concoct the story to implicate the two concerned workmen. It was further contended that it will further appear from the original statement of Shri K. N. Srivastava filed by the management and marked *Ext. M 6(a)* that the words "in which the theft took place", which occur in the true copy *Ext. W 11*, supplied by the management to the union, have been penned through, but these cuttings are not initialled by Shri K. N. Srivastava or the Enquiry Officer either and that shows that the original statement of Shri K. N. Srivastava was as supplied to the union and as is in *Ext. W 11*.

9. Shri Mukherjee, on behalf of the management, distinguished the case of *Meenglas Tea Estate*, above referred to, on the ground that, in that case, at the domestic enquiry, no evidence was tendered in support of the charges made against the concerned workmen but certain questions were put to each of the concerned workmen by way of their cross examination. Here, in the instance case, it was argued, however, that is not the position, and, therefore, that case was no application. He distinguished the second case of *Associated Cement Companies Ltd.*, also on the ground that in that case no doubt the concerned workmen were cross-examined at the beginning of the domestic enquiry and then the witnesses were examined by the management but prior intimation about the holding of the enquiry was not conveyed to the concerned workmen before they were called upon to participate in the domestic enquiry and further the enquiry was conducted by the Enquiry Officer who himself witnessed the alleged accident and in these circumstances, the domestic enquiry was held to have been vitiated by violation of principles of natural justice.

10. In my opinion, both the above decisions of the Supreme Court do condemn the practice of examining and cross examining the concerned workman at the

very commencement of the domestic enquiry even before any evidence is led against him. Obviously because the onus to prove the charge is on the complainant, and, therefore, it is the duty of the company to adduce evidence in support of the chargesheet and there is no onus on the accused to prove his innocence and if, therefore, the accused is examined and cross examined in detail to fish out admissions from him and to net him, it will be just like putting the *Cart before the Horse* and such domestic enquiry would be vitiated. In the instant case, no doubt, from the enquiry papers filed it has been made to appear as if at first Shri K. N. Srivastava, one of the concerned workmen was examined and cross examined and, thereafter, the complainant Shri V. G. Rawal was examined and cross examined, but even then such a procedure is illegal; because in the ordinary natural course Shri V. G. Rawal, complainant, should have been examined first and, thereafter, Shri K. N. Srivastava, but, the enquiry report Ext. M 9 leaves no doubt that both the concerned workmen were examined first and cross examined and, thereafter whatever was not got from the cross examination of these two concerned workmen, was got from the complainant Shri V. G. Rawal in order to support the prosecution case at the domestic enquiry. I, therefore, hold that the domestic enquiry was not at all fair and proper and it is vitiated by the above infirmity, and, therefore, it must be held to be invalid.

11. The second objection of Shri Bose is also well founded. From the true copy of the statement of Shri K. N. Srivastava, at the domestic enquiry, Ext. W 11, supplied by the management itself to the union, and not denied by the management before the Tribunal, there is no doubt that the first question put to Shri Srivastava by the management was: "When the bearings were kept in that room in which the theft took place", it was your charge to all the things. This is a very important and significant statement. The underlined statement in the question put is a clear admission on the part of the management, which supports the case of the union, that the bearings were kept in one of the rooms in which burglary took place that night and, therefore, that was the reason why the complainant did not suspect before the police these concerned workmen as having committed the theft as mentioned in Ext. W 10, but as these bearings had been stolen, some one had to be punished, and, therefore, these poor workmen were chargesheeted on false grounds. The original statement of Shri K. N. Srivastava, filed by the management, and marked Ext. M 6(a), clearly shows that the words "*in which the theft took place*" have been scored out. If these words had been scored out by Shri K. N. Srivastava, it was expected that these cuttings would have been signed by Shri Srivastava himself but nowhere the initial or signature of Srivastava or of the Enquiry Officer is to be found. This makes the managements' case much worse. It shows that, after having served a true and correct copy of the statement of Shri Srivastava to the union Ext. W 11, the management realised their mistake, because of that statement of management both the concerned workmen would be let off and the charge against both of them would be disapproved and, therefore, they cut out the most material words "*in which the theft took place*", because, otherwise, the concerned workmen would not have been found guilty at all. For these reasons also, in my opinion, the enquiry report must be held to be perverse, because there is no mention of this particular statement of Srivastava which destroys the case of the management absolutely because the enquiry report proceeded on the footing that there was no question of burglary committed in the store room in which the missing articles were kept under lock and key.

12. On behalf of Shri K. N. Srivastava, Shri H. N. Singh, who represented his case, further submitted that both the concerned workmen have been found guilty on mere suspicion in spite of the fact that the complainant did not suspect at all, as mentioned earlier also, before the police any of the two workmen. The circumstances mentioned by Shri K. N. Srivastava, in para 20 clause (a) to (l) of his written statement so also the facts mentioned in para 8 clauses (a) to (g) by Shri Rajendra Pathak in his written statement also required consideration and if they would have been taken into consideration, in my opinion, there is no doubt that there is no evidence to prove the guilt of these workmen concerned. Admittedly, no one saw these two workmen remove the bearings. Furthermore, the register showing how many bearings were received, and in which year, and in which month, and how many were issued, and when, and to whom, has not been produced, which could have given an idea as to how many were in the room, which could have been issued or out of which 17 could have been stolen. On this point, the evidence of the two workmen WW 1 and WW 2, in my opinion, should be accepted, because there is no evidence to the contrary, on behalf of the management, to controvert their statements.

13. There is another circumstance to show that these concerned workmen had been falsely implicated. Shri K. N. Srivastava WW 1 stated that he was sick on

24th, 25th and 26th August, 1963 and he had reported about his sickness before the colliery doctor, who issued his sickness slip to the colliery and his sickness report was entered in the sick register but this Sick Register has not been produced before the Tribunal in order to contradict his statement. WW 1 says that he came to know about the theft of the store in the afternoon of 26th August 1963. He further stated that no list is maintained about the articles stored in each room and articles are often shifted from one room to another without any entry being made. He said that he joined duty on 27th August 1963. He further stated that when he was on leave the key of the store room was with the Asstt. Store Keeper but there is another set of keys by which some of the locks are opened and at the enquiry stage he pointed out this fact to the Manager and to the Enquiry Officer also. He further said that stores are issued in the night also and the mistry or coolie opens the store in the night. Sometimes slips are placed and sometimes he is verbally informed next day that something has been taken out and this was being done with the knowledge of the management. WW 2 has stated that one set of key of the store is kept with them, the concerned workmen and the other set in the key box at the telephone office under the care of a chaprasi. These facts deposed to by WW 1 and WW 2 are uncontroverted and I find no reasons to disbelieve these witnesses.

14. For the reasons given above, therefore, I hold that the domestic enquiry was not fair and proper, and was invalid and the enquiry report was also perverse, because it did not take into consideration the statement of Shri K. N. Srivastava in Ext. W 11 in which the fact that theft took place from the room in which the bearings were kept, was admitted by the management and, therefore, the theft of 17 bearings was as a result of the burglary which was committed in the night of 24th August 1963 and as such the concerned workmen could not be held guilty for the theft of these ball bearings. The fact that those ball bearings had been stolen does not mean that these two workmen have stolen them or they are connected with the theft of those ball bearings.

15. The result, therefore, is that the dismissals of Sarvashri K. N. Srivastava, Store Keeper and Rajendra Pathak, Asstt. Store Keeper, of Khas Joyrampur Colliery with effect from 23rd October 1963 are held to be not justified and, therefore the termination of their services with effect from 23rd October 1963 is set aside and they are reinstated to their previous jobs with full back wages and other benefits to which they were entitled with continuity of service, till the date of their reinstatement.

16. This is my award which I may and submit to the Central Government.

Sd./- RAJ KISHORE PRASAD,
Presiding Officer.
[No. 2/14/64-LR.II.]

S.O. 2198.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Hyderabad, in the industrial dispute between the employers in relation to the Belampalli Division of Singareni Collieries Company Limited, and their workmen, which was received by the Central Government on the 6th July, 1966.

BEFORE THE INDUSTRIAL TRIBUNAL, ANDHRA PRADESH, HYDERABAD
PRESENT:

Sri Mohammad Najmuddin, M.A., B.L., Chairman, Industrial Tribunal
Andhra Pradesh, Hyderabad.

INDUSTRIAL DISPUTE No. 20/1965

BETWEEN

Workmen of Singareni Collieries Company Ltd., Belampalli,

AND

The Management, Singareni Collieries Co. Ltd., Belampalli.

APPEARANCES:

Messrs. K. Satyanarayana, Advocate, & S. Nagayya Reddy, President
Tandur Coal Mines Labour Union,—for the workmen.

Sri M. Shyammohan, Personnel Officer, The Singareni Collieries Co. Ltd
—for the Management.

AWARD

The Government of India in its Ministry of Labour & Employment had, by order No. 7/22/64-LRII, dated 3rd March 1965, referred the dispute to my learned predecessor for adjudication. By its order No. 7/33/65-LRII, dated 31st January 1966 the Government of India in its Ministry of Labour & Employment withdrew this case, along with similar cases referred to him, from my learned predecessor and transferred them to me. The issue settled as per the Schedule annexed to the notification is this:

Whether Shri Govindu, Charge-hand, Engineering Workshop, Bellampalli Division of Singareni Collieries Company, is entitled for promotion as Foreman (Grade Rs. 150—275)? If so, from which date?

Statement of claims on behalf of the claimant-workman, Govindu, was filed by the President, Tandur Coal Mines Labour Union, Belampalli. Later the management filed its counter. The dispute between the parties stemmed from the retirement of Anthony, Foreman of the workshop, on 5th May 1964. That vacancy was filled by the management by the appointment of Moses who was a Charge-hand in the Mechanical Workshop at the time. Govindu is a charge-hand in the workshop in the grade of Rs. 70—158. He had reached the maximum of Rs. 158/- by 1st June 1964. He was a Turner. Moses was a Fitter. The claim of Govindu is that by reason of his allround efficiency, experience, length of service and its unblemished record, he should have been appointed Foreman in the vacancy caused by the retirement of Anthony. It is pointed out that it was the tradition and convention in the workshop at Bellampalli to appoint a Turner as Foreman. With regard to Moses it is stated in the statement of claims that he was not efficient, that he was only an outdoor fitter and did not possess the allround experience Govindu possessed in the various sections of the Mechanical Workshop at Bellampalli. And, moreover, Moses is said to have had a bad record of service. It is claimed that the management had victimised Govindu by not preferring him to Moses for appointment as Foreman, because he was a member of the union and because of his trade union activities. It is further stated that the management had committed breach of the established convention by appointing a Fitter (Moses) instead of a Turner (Govindu) as Foreman. All this is said to reflect the malafides of the management. The claimant prays that the injustice done to him may be remedied by directing the management to appoint him as Foreman in the vacancy caused by the retirement of Anthony.

2. The management filed counter to say that there was no such convention in Bellampalli Division to promote a Turner alone as Foreman. Promotion being within the discretion of the management, it is pointed out that Govindu has no right to claim to be promoted as Foreman. It is further stated that Govindu was not efficient enough, nor had the necessary varied experience to be promoted as Foreman. His record of service is said to be bad, whereas that of Moses is said to be without blemish. In the statement of claims Govindu stated that on the retirement of Anthony he had officiated in his place as Foreman and that he was not given any officiating allowance. In the counter the management denied that Govindu had so officiated. Lastly, it is stated in the counter that as Govindu had completed 60 years even on 1st June 1964, his retirement was overdue. This last contention is given up by Mr. Shyam Mohan during the enquiry.

3. The claimant, Govindu, examined himself alone as W.W. 1. Three witnesses were examined on the side of the management. M.W. 1, Mr. J.D. Talati, is Divisional Engineer of Bellampalli Division of the Singareni Collieries Company Limited. M.W. 2 is Moses who is now working as Foreman in the place of Anthony. M.W. 3, Raja Lingam, is a Turner in the Workshop at Bellampalli. Ex. W 1 is the identity card of Govindu. Ex. W 2 is the service record of Moses. It shows that he was taken into service in the month of March 1950. At page 7 there is entry to say that by office order dated 30th October 1964 he was promoted from Charge-hand to Foreman with effect from 1st October 1964 and that he would be on probation for a period of six months from 1st October.

4. Giving of promotion to a higher grade is at the discretion of the management. That much is admitted at the end of paragraph 5 of the statement of claims. The first ground on which Govindu claims to be promoted as Foreman is that it is the convention to promote a Turner as Foreman and that therefore he should have been promoted by reason of his seniority as Turner instead of Moses who was a fitter. It is clear from evidence that there was no such convention. Although in his evidence-in-chief Govindu said that the practice of the Company is to promote a Turner as Foreman, he admitted in his cross-examination that before Arekswamy who was Foreman before Anthony, was a holler maker. Before Arekswamy one Basit Khan was the Foreman. The witness said that Basit Khan

was a turner before appointment as a Foreman. One Sri Harinarayan was Foreman before Basit Khan. Govindu admitted that Sri Harinarayan was a turner before he was appointed Foreman. Among the instances mentioned above by Govindu, only one person, viz., Basit Khan, was a turner. It is clear that there could not have been any tradition or convention to employ only a turner as foreman. M.W. 1, Mr. J. D. Talati, who is Divisional Engineer of the Bellampalli Division, said that there was no such rule or usage. He said that there was also the case of Foreman Dass, who was a turner before he was promoted as Foreman. The witness said that Anthony was a turner. Just because Anthony was a turner Govindu cannot claim that because he himself was a turner he should be promoted as foreman when Anthony retired. There was no convention as claimed by Govindu, and the appointment of turner Moses as foreman in the place of Anthony did not amount to causing breach of any such alleged convention.

5. The second ground on which Govindu bases his claim is that he is more efficient, had longer service and that his record of service was unblemished. M.W. 1, Mr. J. D. Talati, said that Moses was an allround skilled worker having knowledge of the various sections of the Mechanical Department, and that he was also attending to break-down work underground. Mr. Talati filed Ex. M 4 series (five in number) to emphasise the allround skill of Moses. They are written directions to Moses to do various types of work. The first which is dated 4th July 1964 is to repair driving machine shaft and pedestals. The second which is dated 20th March 1965 is to prepare half inch bio cock settings. The third which is dated 8th July 1964 is to make rollers for tipper shaft as per sketch given in that letter. The fourth which is dated 14th June 1964 is to make rick rose haulier rotor. The fifth which is dated 15th March 1964 is to make six inch ranges for use in Shanti Khan. There is an Assistant Engineer in charge of the workshop. The witness said that he had consulted the Assistant Engineer before he recommended promotion of Moses as foreman, and that, while so, he had also considered the claims of Govindu. The witness added that Govindu did not work in other sections outside the machine shop. Surely, the Divisional Engineer in consultation with the Assistant Engineer at the workshop is the best judge of the merits of a claimant to be promoted as foreman. M.W. 1 had said that Govindu did not work in other sections outside the workshop. Govindu himself admitted in his cross-examination that his duty was confined to the workshop and that he did not attend to breakdowns in outdoor plants. It is clear that Moses had greater allround efficiency and that the management had rightly exercised its discretion and judgment in promoting Moses as foreman in preference to Govindu.

6. The third ground on which the claim of Govindu is based is that he had a longer period of service and an unblemished record. That he had a longer period of continuous service does not admit of doubt because it is common ground that he had first joined the service of the Company in the year 1921. It is stated so in his identification card Ex. W 1. Moses had left the service in 1948. He came back again in the year 1950 as seen from Ex. W 2. W.W. 1 Govindu said that the then Divisional Engineer, Mr. Guttridge, had dismissed Moses for theft of material in the year 1948 and that the succeeding Divisional Engineer, Mr. Subrahmanyam, had brought him back in the year 1950. There is nothing on record to show that Moses was dismissed as claimed by Govindu. M.W. 1, Mr. Talati, had joined the service of the Company in the year 1950. He said in his cross-examination that he was not aware that Moses was dismissed in the year 1948. Moses (M.W. 2) explained that in the year 1948 he had voluntarily left service because he owned lorries at Mancherial and that they needed looking after. He denied that he was dismissed. It was not likely that the Divisional Engineer, Mr. Subrahmanyam, would entertain Moses in service in 1950. If earlier he was allegedly dismissed from service in the year 1948 for theft. Mere seniority in service does not entitle a workman to promotion to a higher grade. The management have also to look to the efficiency of the workman before promoting him to a higher grade. The management judged Moses to be more efficient and allround skilled workman than Govindu when they promoted the former as foreman in the place of Anthony.

7. In the statement of claims Govindu gave himself a fine certificate of unblemished record of service. There does not seem to be any warrant for it. Mr. Talati, M.W. 1, filed Exs. M 1, M 2 and M 3 bearing upon this subject. Ex. M 1 dated 11th March 1964 is letter written by him to Govindu pointing out that his reply to an earlier charge-sheet was not satisfactory, and that from enquiry conducted it is found that he was guilty of misconduct under the Company's Standing Orders No. 16(4). Govindu was warned by that letter that if he repeats the offence severe disciplinary action would be taken against him. Ex. M 2 dated 23rd September 1959 is letter from Mr. Subrahmanyam, Engineer-in-Charge, to Govindu in respect of a missing implement. It is pointed out therein that the fact that it was missing should have been known to Govindu, and that since he did not take any

action to recover the implement or to report about it. His omission shows negligence and lack of interest in his work. Govindu was warned. Ex. M 3 dated 5th July 1955 is charge-sheet issued by Mr. Subrahmanyam to Govindu that he had absented himself from duty without permission. He was called upon to show cause why suitable penalty therefor should not be imposed upon him. Govindu himself admitted in his cross-examination that he was warned for loss of material in 1959, and again in 1965. He also admitted that in 1955 he was given charge-sheet for absence from duty. So goes the claim of unblemished record of service.

8. It may be that Govindu is a member of the workers' union but he seems to be a particularly docile and harmless type of member. Nothing is suggested, much less shown, that he was active in any particular trade union activity so as to bring himself to the adverse notice of the management. Nothing would therefore turn upon the fact that Govindu is a member of the workers' Union.

9. My finding under the issue which is the subject of this enquiry is that the Management had rightly exercised its discretion and judgement in the matter of filling the foreman's vacancy caused by the retirement of Anthony, and that Govindu is not entitled to claim to be promoted in that vacancy. His claim is rejected.

AWARD passed accordingly.

Given under my hand and the seal of the Tribunal, this the 30th day of June, 1966.

(Sd.) M. NAJMUDDIN,
Industrial Tribunal.

APPENDIX OF EVIDENCE

Witnesses examined for:

Workmen:

W.W. 1: A. GOVINDU.

Management:

M.W. 1: J. D. TALATI:

M.W. 2: M. MOSES.

M.W. 3: P. RAJALINGAM.

Documents exhibited for Workmen:

Ex. W 1: Identification card of Govindu.

Ex. W 2: Service record of Moses.

Documents exhibited for Management:

Ex. M 1: Letter (warning) of the Management dt. 11th March 1964 issued to Govindu.

Ex. M 2: Letter of warning dated 23rd September 1959 issued to Govindu by the Management.

Ex. M 3: Charge-sheet dated 5th July 1955 issued to Govindu by the Management.

Ex. M 4 series: Five separate written directions to Moses to do various types of work issued by the head of the Department of Moses.

(Sd.) M. NAJMUDDIN,

Industrial Tribunal.

[No. 7/22/64-LRII.]

ORDERS

New Delhi, the 13th July 1966

S.O. 2199.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Chinakuri 1 and 2 Pits Colliery of Messrs Bengal Coal Company Limited, Post Office Dishergarh District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the dismissal of Shri Harbans Singh, Tyndal Mazdoor, Chinakuri No. 1 and 2 Pits Colliery of Messrs Bengal Coal Company Limited, Dishergarh, District Burdwan is justified? If not, to what relief is the workman entitled?

[No. 6/24/66-LR. II.]

New Delhi, the 14th July 1966

S.O. 2200.—Whereas an industrial dispute exists between the management of Messrs Daulatram Rameshwariwall Contractor, Nandini Lime Stone Mines of Bhilai Steel Project, Post Office Nandini, District Durg (hereinafter referred to as the said Company) and their workmen represented by the Steel Workers Union, Nandini Mines, Post Office Nandini, District Durg (hereinafter referred to as the Union);

And, whereas the said Company and the Union have, by a written agreement, in pursuance of the provisions of sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration of the person mentioned therein, and a copy of the said arbitration agreement has been forwarded to the Central Government;

Now, therefore, in pursuance of the provisions of sub-section (3) of section 10A of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the said arbitration agreement, which was received by it on the 29th June, 1966.

FORM 'C'

(Under Section 10-A of the Industrial Disputes Act, 1947)
between

NAME OF THE PARTIES:

Representing employers:

Shri S. Ghosh, Asst. Manager, M/s.
Daulatram Rameshwariwall Contractor,
Nandini Lime Stone Mines,
P. O. Nandini,
Dist. DURG.

Representing workman:

Shri H. C. Gupta, Secy.,
Steel Workers Union,
Nandini Mines,
P.O. Nandini,
Dist. DURG.

It is hereby agreed between the parties to refer the following Industrial dispute to the arbitration of Shri A. S. Gupta, Asstt. Labour Commissioner (Central) Adarsh Colony, Bilaspur (M.P.).

- (i) Whether the management of M/s. Daulatram Rameshwariwall Contractor, Nandini Lime Stone Mines, was justified in removing Shri Jitlin Singh, from service with effect from 22nd May, 1966? If not, to what relief is the workman entitled?
- (ii) M/s. Daulatram Rameshwariwall—Employers.
Contractor,
Nandini Lime Stone Mines of Bhilai Steel Project,
P.O. Nandini,
Dist. DURG.
Shri H. C. Gupta, Secy.—For the Workman
Steel Workers Union, Nandini Mines, P.O. Nandini, Dist. DURG.
- (iii) Steel Workers Union, (I.N.T.U.C.), Nandini Mines, P.O. Nandini.
Dist. DURG.
- (iv) No. of workers employed in the undertaking affected—600.
- (v) Estimated No. of workmen affected or likely to be affected—1.

We further agree that the decision of the arbitration shall be binding on us, and it is requested that the arbitrator shall make his award within 3 months, otherwise it will be open to parties to choose another Arbitrator.

Signature of the parties

Representing Employers:

Shri S. Ghosh, Asstt. Manager,
M/s Daulatram Remeshwarlal,
Contractor,
Nandini Mines, P.O. Nandini,
Dist. DURG.

Representing Workman:

Shri H. C. Gupta,
Secretary, Steel Workers Union,
Nandini Mines, P.O. Nandini,
Dist. DURG.

Witness:

1. D. P. Srivastava,
2. Ramachandran Nair.

[No. F. 37/16/66-LRL.]

H. C. MANGHANI, Under Secy.

(Department of Labour & Employment)

New Delhi, the 18th July 1966

S.O. 2201.—In exercise of the powers conferred by sub-sections (3) and (4) of section 5A, read with section 9 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby appoints Shri B. B. Ghosh, Chairman, Commissioners for the Port of Calcutta, as a member representing the Central Government on the Calcutta Dock Labour Board with effect from the forenoon of the 1st April, 1966 vice Shri S. K. Ghosh and further nominates him as the Chairman of the said Board and makes the following further amendments in the notification of the Government of India in the Ministry of Labour and Employment, No. S.O. 1485, dated the 2nd June, 1960, namely:—

In the said notification, for the words and letters "Shri S. K. Ghosh" wherever they occur, the words and letters "Shri B. B. Ghosh" shall respectively be substituted.

[No. 523/37/60-Fac.]

K. D. HAJELA, Under Secy.

(Department of Labour & Employment)

New Delhi, the 18th July 1966

S.O. 2202.—In exercise of the powers conferred by sub-section (2) of section 5 of the Minimum Wages Act, 1948 (11 of 1948), and after considering the advice of the Committee appointed under clause (a) of sub-section (1) of the said section, the Central Government hereby fixes the minimum rates of wages in respect of employees employed in agriculture at the Indian Institute of Technology, Kharagpur, West Bengal, specified in the Schedule annexed hereto and directs that this notification shall come into force on the 16th August 1966.

SCHEDULE

Categories of employees

Unskilled casual labour employed on
the Experimental Farm attached to
the Agricultural Engineering Depart-
ment of the Institute.

*All inclusive minimum rates of
wages per day*

Rs. 2.25 p.

[No. LWI(I)6(3)/64.]
S. S. SAHASRANAMAN, Under Secy.

(Department of Rehabilitation)

(Office of the Chief Settlement Commissioner)

New Delhi, the 12th July 1966

S.O. 2203.—In exercise of the powers conferred by clause (a) of Sub-Section (2) of Section 16 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints for the State of Maharashtra, Resident Deputy Collector, Poona as Managing Officer for purpose of performing, in addition to his own duties, the functions assigned to a Managing Officer for the custody, Management and disposal of compensation pool.

[No. 10(8)AGZ/66.]

New Delhi, the 15th July 1966

S.O. 2204.—In exercise of the powers conferred by Sub-Section (I) of Section 6 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), the Central Government hereby appoints for the States of Bihar and Orissa, Shri Ram Singh Kumar, Assistant Settlement Officer at Patna, for the purposes of discharging the duties imposed on Custodian by or under the said Act with effect from the date he took over charge.

[No. 8/238/ARG/62.]

ORDER

New Delhi, the 8th July 1966

S.O. 2205.—In exercise of the powers conferred by clause (a) of sub-rule (1) of rule 90 of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955, the Central Government hereby appoints all Naib Tehsildars and Kanungos, in the State of Uttar Pradesh so long as they hold those posts as the officers empowered to sell properties and to exercise the powers and discharge the functions of such officers under rule 90 of the said rules.

[No. 15(23)/Comp. & Prop/62.]

A. G. VASWANI,

Settlement Commissioner and *Ex-officio* Under Secy.

MINISTRY OF EDUCATION

New Delhi, the 13th July 1966

S.O. 2206.—Whereas Shri V. D. Mazumdar, Secretary of the Asiatic Society of Bombay, at present acting in the administration of the Trust known as "The Campbell Memorial Medal Fund" in connection with the Bombay Branch of the Royal Asiatic Society, being duly authorised in that behalf by a resolution of the said Managing Committee of the Society passed on the 1st February, 1962, has represented to the Government of Maharashtra that difficulty is experienced in the administration of the said Fund owing to the name of the Society having been changed under resolution No. 4 of the Annual General Body Meeting dated the 30th August, 1965;

And, whereas application has been made to the Central Government by the said Society that with a view to obviate the aforesaid difficulty the Scheme published in the Government of Maharashtra in the Education Department notification No. CEF. 1050/B dated the 1st February, 1951, may be modified in the manner hereinafter set out;

Now, therefore, by virtue of the powers conferred by sub-section (2) of section 5 of the Charitable Endowments Act, 1890 (6 of 1890) the Central Government hereby orders on the application aforesaid of the said Society and with its concurrence that the Scheme published in the Government of Maharashtra in the Education Department notification No. CEF-1050/B, dated the 1st January, 1951

shall be modified in the following manner and that the modification shall come into effect on the date of publication of this notification in the Official Gazette.

Modification of the Scheme

For the words "Bombay Branch Royal Asiatic Society" wherever they occur in the Scheme the words "Asiatic Society of Bombay" shall be substituted.

[No. D.7047/65-S.U.]

R. K. SHARMA,

Assistant Educational Adviser (Sanskrit).

New Delhi, the 16th July 1966

S.O. 2207—In pursuance of section 36 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby makes the following corrections in the description of the ancient monument referred to at item 260 of the notification No. 1669/1133M dated 27th December, 1920 issued by the then Government of the United Provinces, Public Works Department (Buildings and Roads Branch) and deemed to be an ancient monument declared to be of national importance for the purposes of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958) under section 3 of that Act, namely:—

The entries

- "260 A very large mound of brick ruins called Gorakhpur Asmanpurdih at the distance of 3 1/2 miles due South of Chetjaon. Chetjaon, small village in pargana Sindhua Jobna of Tahsil Parauna 47 miles S.E. of Gorakhpur".

shall be corrected as follows, namely :—

- "260 Ancient site and archaeological remains on Deoria, the mound known as Asmanpurdih comprised in survey plot Nos. 162, 187 and 188 of village Usmanpur with an area of 14.93 acres and bounded as follows:—

North:—Survey plot Nos. 161, 159, 158, 157, 156, 155, 154 and 153 of village Usmanpur.

East :— Survey plot Nos. 152, 151, 150, 149, 148, 163, 179, 185, 186, 189 and 190 of village Usmanpur.

South :—Survey plot Nos. 179, 185, 186, 189, 190 of village Usmanpur and Survey plot Nos. 541, 540, 539, 538, 535, 534, 533 and 532 of Rampur Urif Khusihal Tola.

West :—Survey plot Nos. 115, 67, 27, 26 and 25 of Rampur Urif Khusihal Tola.

and owned by the Government.

Usmanpur in Tehsil Padrauna of Uttar Pradesh, State."

[No. F.4-13/66.C.1.]

ARCHAEOLOGY

New Delhi, the 16th July 1966

S.O. 2208.—Whereas by notification of the Government of India in the Ministry of Education No. S.O. 4271, dated the 10th December, 1964, published in Part II, Section 3, sub-section (ii) of the Gazette of India dated the 19th December, 1964, the Central Government gave notice of its intention to declare the ancient monument specified in the Schedule below to be of national importance.

And, whereas objections received to the making of such declaration have been considered.

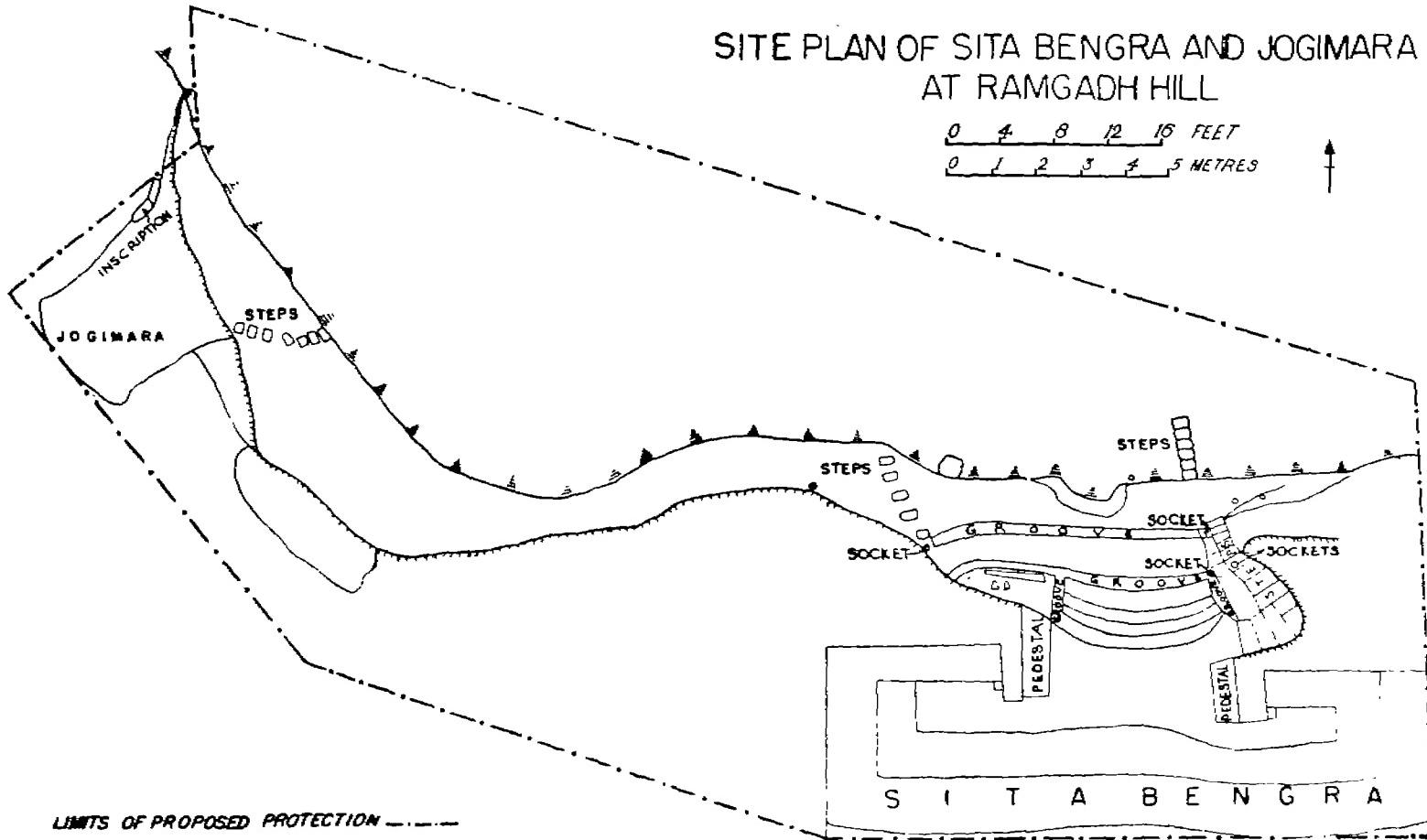
Now therefore, in exercise of the powers conferred by sub-section (3) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby declares the said ancient monument to be of national importance.

THE SCHEDULE

Serial No.	State	District	Tehsil	Locality	Name of monument	Revenue plot number to be included under protection.	Area	Boundaries	Ownership	Remarks.
1	2	3	4	5	6	7	8	9	10	11
I	Madhya Pradesh	Surguja	Ambika-pur	Ramgadh hill	Sita-Bengra and Jogimara rock-cut caves together with adjacent area of the hill as shown in the plan reproduced below.	The area is unsurveyed	0.26 acres	North :—Reserve forest area East :—Remaining portion of the hill. <i>South</i> :—Remaining portion of the hill. <i>West</i> :—Remaining portion of the hill.	State Government	

SITE PLAN OF SITA BENGRA AND JOGIMARA AT RAMGADH HILL

0 4 8 12 16 FEET
0 1 2 3 4 5 METRES



LIMITS OF PROPOSED PROTECTION

[No. F.4-38/64.C.1.]

CORRIGENDUM

New Delhi, the 16th July 1966

S.O. 2209.—In the notification of the Government of India in the Ministry of Education No. S.O. 3838 dated the 6th December, 1965 published in Part II Section 3 (ii) of the Gazette of India, dated the 11th December, 1965, in the schedule, under column 4 for "Kapasam" read "Kamasan".

[No. F.4-16/65.C.I.]

S.O. 2210.—In the notification of the Government of India in the Ministry of Education No. S.O. 989 dated the 21st March, 1966 published in Part II, Section 3 (ii) of the Gazette of India dated the 2nd April, 1966, in the Schedule under column 4, for "Kapasam" read "Kamasan".

[No. F.4-16/65.C.I.]

S.O. 2211.—In the Schedule to the notification No. F.4-11/66.C.I., published as S.O. 1617 in Part II, Section 3 (ii) of the Gazette of India dated the 4th June, 1966—

- (i) in the heading of column 6, for "Name of monument" read "Name of site";
- (ii) in the entry under column 9, against North, between the words 'remaining' and 'of survey' insert the word 'portion'; and
- (iii) in the entry under column 10 Omit "portion No. 757".

[No. F.4-11/66.C.I.]

S.O. 2212.—In the Schedule to the notification of the Government of India in the Ministry of Education No. S.O. 1615 dated the 27th May, 1966, published in Part II, Section 3 (ii) of the Gazette of India dated the 4th June, 1966, under columns 6 and 7, after "Survey plot No. 20" add "as shown in the site plan annexed hereto".

[No. F.4-10/66.C.I.]

SHARDA RAO (Mrs.),
Assistant Educational Adviser.